



# THE UNIVERSITY *of* EDINBURGH

This thesis has been submitted in fulfilment of the requirements for a postgraduate degree (e.g. PhD, MPhil, DClinPsychol) at the University of Edinburgh. Please note the following terms and conditions of use:

This work is protected by copyright and other intellectual property rights, which are retained by the thesis author, unless otherwise stated.

A copy can be downloaded for personal non-commercial research or study, without prior permission or charge.

This thesis cannot be reproduced or quoted extensively from without first obtaining permission in writing from the author.

The content must not be changed in any way or sold commercially in any format or medium without the formal permission of the author.

When referring to this work, full bibliographic details including the author, title, awarding institution and date of the thesis must be given.

**Freedom and citizenship in the Roman Empire:  
Legal and epigraphic approaches to status identification**

Pier Luigi Morbidoni

PhD in Classics  
The University of Edinburgh  
2019



## **SIGNED DECLARATION**

1. I declare that this thesis has been composed solely by myself and that it has not been submitted, in whole or in part, in any previous application for a degree. Except where states otherwise by reference or acknowledgment, the work presented is entirely my own.

2. I confirm that this thesis presented for the degree of PhD in Classics, has

i) been composed entirely by myself

ii) been solely the result of my own work

iii) not been submitted for any other degree or professional qualification

3. I declare that this thesis was composed by myself, that the work contained herein is my own except where explicitly stated otherwise in the text, and that this work has not been submitted for any other degree or professional qualification except as specified.

Edinburgh, 27 February 2019

Pier Luigi Morbidoni



*Aemilio et Iulianae, Manes optimi.*



## **ABSTRACT**

This thesis constitutes a novel attempt to identify different civic statuses in the Roman Empire in key legal and epigraphic sources – especially the so-called Junian Latins, *dediticii*, Latin citizens and first-generation Roman citizens. The goal of the thesis is to offer a new tool for (and a different perspective on) status identification in our sources, to advance our understanding of Roman society in the early Roman Empire. Identification of the different categories listed above has always been complex and challenging, given the typical lack of a clear status identifier in our sources for individuals of one or other these statuses, thus creating a mass of so-called *incerti* in our evidence. To tackle this problem, this thesis adopts in the first instance a theoretical framework based on detailed analysis of juridical texts, statutes and other relevant legal evidence, which delineates the complex limitations of Junian Latins, *dediticii*, peregrines and Latin citizens in imperial times. This legal framework is then expanded by a thorough discussion of the epigraphic evidence, which allows us to appreciate how ‘real’ individuals interacted, in Roman society, with men and women of similar or different legal condition, and how they chose to represent themselves and their status. Moreover, by adopting a content-sensitive approach to the study of legal texts and inscriptions, the thesis explores the hypothesis that men and women who enjoyed certain legal statuses lacked the linguistic ‘markers’ to fully convey their condition through the epigraphic medium. As a consequence, this thesis seeks to call into question the idea that the Latin epigraphic production in imperial times was a medium mostly embraced by individuals of servile extraction, by adopting a different perspective on the study of the (modern) category of *incerti*, and by re-evaluating the criteria of enrolment of Roman citizens in the urban tribes, especially the Palatina. Ultimately, this study aspires to put forward new approaches and parameters that might be used to ascertain the condition of some of the men and women who currently appear (to us) in the rich inscriptional evidence as *incerti*, thus also gaining a more precise comprehension of who engaged with Latin epigraphy. In its totality, this thesis makes a contribution to the study of Roman law, Latin epigraphy and Roman imperial society more broadly.





## **LAY SUMMARY**

This thesis constitutes a novel attempt to identify different civic statuses in the Roman Empire in key legal and inscriptional sources pertaining to (informally) manumitted slaves, Latin citizens and first-generation Roman citizens. The goal of the thesis is to offer a new tool for (and a different perspective on) status identification in our sources, to advance our understanding of Roman society in the early Roman Empire. Identification of the different civic status categories just listed has always been complex and challenging, given the typical lack of a clear status identifier in our sources for individuals of one or other of these statuses, thus creating a mass (in our evidence) of men and women of unknown civic status – whom scholars call *incerti*. This thesis addresses the problem and challenge of identifying individuals of unknown civic status through detailed legal and epigraphic analysis. By adopting a new perspective on the study of the (modern) category of *incerti*, and by re-evaluating some of the indicators for civic status, this thesis challenges moreover the notion that the Latin inscriptional production in imperial times was a medium mostly embraced by individuals of servile extraction. In its totality, this thesis makes a contribution to the study of Roman law, Latin epigraphy and Roman imperial society more broadly.



## **ACKNOWLEDGMENTS**

I would like to express my heartfelt gratitude to my primary supervisor, Ulrike Roth. Since our first email exchange in 2014, she has provided me with all the support, intellectual stimulation and opportunity for personal and academic growth that only a mentor can offer. Her human qualities and her dedication to the students under her care set the example that I aspire to follow as an academic professional.

I am equally thankful to my secondary supervisor, Ben Russell. Besides the good advice he has given me throughout the course of my PhD, his involvement was instrumental in securing the funding that allowed me to continue my doctoral studies. I am also very grateful that he chose to involve me with the excavation of Aeclanum: the time spent in Mirabella will always remain one of my most cherished memories as a doctoral student. Not many can claim to have driven a bumper car with one of their supervisors.

I am very grateful to my funding bodies, the Scottish Graduate School for Arts & Humanities AHRC Doctoral Training Partnership, and The University of Edinburgh College of Arts, Humanities and Social Sciences Research Awards. Their generosity made my doctoral studies possible.

I am profoundly grateful to Francesca Cenerini, whose passion and humanity inspired me to study Latin epigraphy in the first place.

I would like to thank my reviewers and the other members of the faculty in Classics, and especially Lucy Grig, Juan Lewis and Sandra Bingham, for the new research perspective they have offered me, which had a profound impact on my research. I am also grateful to Kim Czajkowski and Benet Salway, who agreed to act as the examiners to my thesis. Their constructive criticism and knowledgeable observations have helped me to strengthen greatly the arguments put forward in this dissertation. I am equally grateful to Michael Crawford and Myles Lavan, for reading part of my thesis, and for offering me precious insights that vastly improved the quality of my research.

A special mention goes to Tatjana Sandon, my soror epigraphica. I have much to learn from her intellectual curiosity and expertise in Latin epigraphy, and I hope that our partnership will grow even stronger in the coming years.

I owe a debt of gratitude to Girolamo Ferdinando De Simone for welcoming me into the Apolline Project as a specialist in Latin epigraphy, and for giving me the opportunity to run the Summer School in Latin Epigraphy for two consecutive years, an experience that has greatly enriched me on both a personal and academic level.

A heartfelt thank you must go to Rian. Although we met only towards the end of my doctoral studies, he has since become a source of great inspiration for me. His words and actions constantly drive me to do my best, not only in my academic research, but also in everyday life.

Equally, I would like to thank the people who have offered me a great deal of motivation and emotional support during the past years, and especially Graziano, Chanchal and Pietro.

Finally, my warmest thank you goes to my family, and especially to my mother Francesca, whose selflessness has allowed me to pursue my academic dreams.

## **TABLE OF CONTENTS**

ABSTRACT .....	i
LAY SUMMARY .....	iii
LIST OF ABBREVIATIONS .....	ix
TECHNICAL INTRODUCTION .....	xi
INTRODUCTION .....	1
‘Better to light a candle than to curse the darkness’ .....	1
CHAPTER I .....	11
Identifying Junian Latins at Rome: Gaius and the use of the terms <i>libertus</i> and <i>libertinus</i> ...	11
I Introduction .....	11
II Gaius: <i>libertini</i> , <i>liberti</i> and Latini .....	19
III <i>Latini</i> and <i>libertini</i> in the <i>Epistles</i> of Pliny the Younger .....	39
IV <i>Latini Iuniani</i> in Latin inscriptions .....	43
V The manumission of Helene (M.Chr. 362 .....	54
VI Conclusions .....	58
CHAPTER II .....	63
Latini (and other legal aliens) in the Roman Empire* .....	63
I Introduction .....	63
II The <i>ius Latii</i> throughout the 19 <sup>th</sup> and the 20 <sup>th</sup> Centuries .....	65
III <i>Ciues Latini</i> .....	70
IV <i>Ius Latii</i> : a pathway to Roman citizenship? .....	84
V <i>Ciues Latini</i> in the surviving evidence: grants of citizenship in the <i>Epistles</i> of Pliny the Younger .....	86
VI Conclusions .....	98
CHAPTER III .....	105
<i>Nomina nuda tenemus</i> . Re-thinking the scholarly approach towards <i>incerti</i> in Latin epigraphy.....	105
I Introduction: “ <i>incerti</i> ” in modern scholarship.....	105
II Charting different epigraphic habits.....	109
III Conclusions .....	126
CHAPTER IV .....	133
Beyond uncertainty? The meaning and use of filiation in Latin epigraphy.....	133

I Introduction.....	133
II Filiation (and other status indicators) in Latin inscriptions .....	136
III: Libertination and filiation in mid-Republican Latin epigraphy.....	167
IV: Breaking epigraphic conventions.....	175
CHAPTER V .....	181
Questioning the ‘Social Revolution’: the voting tribe of Ostia .....	181
I Introduction.....	181
II The evidence itself .....	185
III Chronological considerations .....	196
IV Ostians outside of Ostia .....	206
V Conclusions: Beyond Ostia .....	212
CONCLUSIONS .....	223
<i>Per Ostiam ire</i> : the path ahead.....	223
APPENDICES .....	231
I Inclusion of filiation in inscriptions commemorating members of the senatorial or equestrian classes .....	231
II Proportion of <i>incerti</i> in votive inscriptions from Italy .....	233
III Examples of epitaphs that did not include status indicators in the onomastics of the dedicators .....	235
IV Distribution of legal statuses in the ‘ <i>in fronte pedes, in agro pedes</i> ’ inscriptions from Picenum, Umbria and Samnium .....	236
V A dedication to Septimius Severus, by some of the veterans of the Legio II Traiana Fortis .....	237
VI Use of filiation in Latin inscriptions commissioned by non-Roman individuals: CIL XI, 5390 vs. Imlt, Asisum 1.....	240
VII Classification of the individuals from Ostia enrolled in the Palatina, according to their onomastic record .....	242
VIII The layout of the epitaph of Anicetus.....	247
IX <i>Laterculus</i> of the <i>milites</i> serving in the <i>cohortes urbanae</i> , AD 218 .....	248
LIST OF ILLUSTRATIONS .....	255
BIBLIOGRAPHY .....	257

## **LIST OF ABBREVIATIONS**

Epigraphic and papyrological corpora and journals

AE	<i>L'Année Épigraphique.</i>
BGU	<i>Aegyptische Urkunden aus den Königlichen (Staatlichen) Museen zu Berlin.</i>
CIE	<i>Corpus Inscriptionum Etruscarum.</i>
CIL	<i>Corpus Inscriptionum Latinarum.</i>
CILA 2	González, J. (ed) 1991: <i>Corpus de inscripciones latinas de Andalucía. Volumen II: Sevilla. Tomo I: La Vega (Hispalis)</i> , Seville.
CPL	Cavenaile, R. (ed) 1958: <i>Corpus Papyrorum Latinarum</i> , Wiesbaden.
EE	<i>Ephemeris Epigraphica.</i>
EpOst	Caldelli, M. L. (ed) 2018: <i>Epigrafia ostiense dopo il CIL. 2000 iscrizioni funerarie</i> , Venezia.
FIRA III	Arangio-Ruiz, V. (ed) 1943: <i>Fontes Iuris Romani Antejustiniani, pars tertia, Negotia</i> , Firenze.
ILS	Dessau, H. (ed) 1882/1916 : <i>Inscriptiones Latinae Selectae</i> , Berlin.
ILAfr	Cagnat, R., and Merlin, A, 1923: <i>Inscriptions latines d'Afrique (Tripolitaine, Tunisie, Maroc)</i> , Paris.
ImIt	Crawford, M. H. (ed) 2011: <i>Imagines Italicae: A Corpus of Italic Inscriptions</i> , London.
InscrAqu	Brusin, J. B. 1991/3: <i>Inscriptiones Aquileiae</i> , Udine.
Jur.Pap	Meyer, P. M. (ed) 1920: <i>Juristische Papyri</i> , Berlin.
Lykaonien I	Swoboda, H., Keil, K., and Koll, F. 1935: <i>Denkmäler aus Lykaonien, Pamphylien und Isaurien</i> , Leipzig.
M.Chr.	Mitteis, L., and Wilcken, U. 1912: <i>Grundzüge und Chrestomathie der Papyrskunde. II Bd. Juristischer Teil, II Hälfte Chrestomathie</i> , Leipzig.
NSA	<i>Notizie degli Scavi di Antichità.</i>



PID	Conway, R. S., Whatmough, J., and Johnson, S.E. 1933: <i>The prae-Italic Dialects of Italy</i> , Oxford.
PIR <sup>2</sup>	Prosopographia Imperii Romani Saec I. II. III (2 <sup>nd</sup> edition).
P.Lips	<i>Griechische Urkunden der Papyrussammlung zu Leipzig</i> .
P.Mich	<i>Michigan Papyri</i> .
P.Oxy	<i>The Oxyrhynchus Papyri</i> .
RIB I	Collingwood, R. G., and Wright, R. P. (eds) 1965: <i>The Roman Inscriptions of Britain, I, Inscriptions on Stone</i> , Oxford.
RMD	<i>Roman Military Diplomas</i> .
Syl <sup>3</sup>	Dittenberger, W. 1915: <i>Sylloge Inscriptionum Graecarum</i> (3 <sup>rd</sup> edition), Leipzig.
TPSulp	Camodeca, G. 1999: <i>Tabulae Pompeianae Sulpiciorum. Edizione critica dell'archivio puteolano dei Sulpicii</i> , Rome.
ZPE	<i>Zeitschrift für Papyrologie und Epigraphik</i> .

## **TECHNICAL INTRODUCTION**

*Notes on inscriptions: identification and collection, consultation, discussion and referencing*

The research undertaken for this thesis required the examination of a sizeable number of inscriptions (over 50,000), even if only a fraction of these documents are actually discussed in detail in this work. To facilitate the identification and collection of the inscriptional source material, I have made extensive use of online databases, such as the Clauss-Slaby Epigraphik-Datenbank (<http://www.manfredclauss.de/>, last accessed on 26/02/2019) and the Epigraphic Database Roma (<http://www.edr-edr.it/default/index.php>, last accessed on 26/02/2019). Having identified online the inscriptions most relevant for this thesis, for example by searching for specific keywords or onomastic patterns, I checked a physical copy of the main edition of every document, to ensure that no discrepancies existed between the online and the printed versions of any text, and to gather additional information on each inscription. The study of the documents actually discussed in this thesis has been even more thorough: for each inscription, I examined not only the main edition, but also the secondary ones, relevant bibliography (if available) and, whenever possible, pictures and drawings. However, to keep referencing more accessible for the reader, I indicate only the main edition of every text discussed, with the exception of those cases in which secondary editions or additional bibliography alter in a (significant) way the reading of the main edition.

Moreover, I provide the full text of every epigraphic document that I deem most significant for the arguments that will be made in each chapter: whenever possible, the text will be incorporated directly into the discussion; when direct inclusion would have a negative impact on readability, the full text of the inscription is given in the footnotes; the texts of longer and more sizeable documents are presented in the *appendices*. The displayed texts of the inscriptions discussed in this thesis follow the Leiden convention; a list of the abbreviation of the corpora and the journal from which the documents are drawn can be found at the very beginning of the thesis.

*Notes on the main edition of juridical and literary works*

Although this thesis discusses a number of varied legal and literary sources, two play a particularly prominent role in the arguments put forward on these pages: the *Institutes* of Gaius and the *Epistles* of Pliny the Younger. Given the textual corruption of some of the passages relevant to this thesis, and the diverse reconstructions by modern scholars, I have rigorously employed the following editions throughout this thesis for reasons of internal consistency: Seckel and Kübler 1903 for the *Institutes* of Gaius; Durry and Guillemin 1927/47 for the *Epistles* of Pliny the Younger.

The abbreviation of all literary sources follow those given in “The Oxford Classical Dictionary” (4<sup>th</sup> edition). If not otherwise stated, translations are mine.

(Word count: 101,671)

## INTRODUCTION

‘Better to light a candle than to curse the darkness’

At some point after the death of her husband, Publius Cornelius Saturninus, Cornelia Prima commissioned a statue of the god Liber and a sacred enclosure, which she gifted to the association in which Saturninus had served as *magistralis*, as a means to preserve his memory:<sup>1</sup>

----- / [--- et in] / memoriam / P(ubli) Corneli / Saturnini / magistralis / Cornelia Prima  
uxor / ex indulgentia colleg(ii) / signum Liberi / basim caulas d(onum) d(edit)

[--- and in] memory of Publius Cornelius Saturninus, *magistralis*. Cornelia Prima, (his) wife, with the permission of the *collegium*, offered as gift a statue of Liber, (with its) base, (and) a sacred enclosure.

The inscription eternalising Saturninus’ name (and commemorating Prima’s generosity), carved on the pedestal of the statue, does not reveal to which association he had belonged. However, considering that the text informs its readers that the *collegium* had given permission to Prima to erect the statue and the enclosure, it stands to reason that the monument had been placed within the public spaces of the association. Therefore, it is likely that there was little reason to mention explicitly the name of the *collegium*: anyone would have known it. The name of the *collegium* in which Saturninus had served is not the only piece of information about the couple’s lives withheld by the text. The inscription also omits to record several details about Saturninus and Prima themselves, which are consequently lost also to the modern reader, but which would not have been immediately obvious to the ancient audience either, with the exception of those who were already familiar with the couple. One of these details is their legal condition: by relying only on the information provided by the monument, there is no way of knowing with reasonable certainty whether Prima and Saturninus had been freed or freeborn, or indeed if they had been endowed with Roman citizenship. Yet, despite the uncertainty that surrounds much of the social, civic and legal background of the two, Susini – the only scholar to have written about this inscription – interpreted Prima as a woman of unmistakably freed condition, and suggested that she might have been the *colliberta* of Saturninus.<sup>2</sup> Although Susini did

---

<sup>1</sup> CIL XI, 715.

<sup>2</sup> Susini 1960, 57.

not provide an explanation for his argument, it is likely that his identification of Saturninus and Prima as individuals of freed background rested on a series of much broader considerations put forward by earlier scholarship, such as the idea that couples sharing the *nomen* were more likely to come from the same servile *familia*,<sup>3</sup> and that freedmen were frequently involved with *collegia* such as the *fullones*, which Susini indeed believed to be the one to which Saturninus had belonged.<sup>4</sup> Yet, without this interpretative leap, the two emerge from the stone as what modern scholars refer to as *incerti* – a modern byword used to indicate men and women whose legal status is undetermined, because of the absence – in their onomastics – of indicators such as filiation, libertination, or a record of the voting tribe.<sup>5</sup>

Susini's identification of Prima and Saturninus as *liberti* is not exceptional: a dominant current in contemporary scholarship holds *incerti* to be – for the most part – freed individuals unwilling to disclose their condition, usually as a direct consequence of the *macula servitutis*, the 'stain of servitude' that Roman society was thought to impress on manumitted slaves.<sup>6</sup> It is also opportune to note at this early stage that, much like Saturninus and Prima, the majority of the individuals commemorated in the surviving documentary imperial evidence appear to us as *incerti*. Given this preponderance of *incerti* in imperial inscriptions, a number of influential scholars have put forward the hypothesis that, over time, the epigraphic medium had mostly become a prerogative of freed individuals. Furthermore, some scholars have offered the additional argument that even a significant number of the freeborn who actively engaged with Latin epigraphy were actually under the 'strong suspicion' of being descendants of manumitted slaves, especially in the presence of certain indicators, such as a Greek *cognomen* or affiliation to one of the urban tribes.<sup>7</sup> Thus, according to these theories, Latin inscriptions in imperial times appear to have been *dominated* by freed individuals and their descendants.<sup>8</sup> Yet, as will be seen in detail in this thesis, this argument does not seem to be borne out by the evidence. In fact, a careful examination of the inscriptional record suggests that the hypothesis that *incerti* were mainly individuals

---

<sup>3</sup> For example, see Duff 1958. Identity of *nomen* in partnered couples was recognised as one of the most reliable indicators of servile background by Taylor, in an article published shortly after Susini's study of this inscription: Taylor 1961.

<sup>4</sup> Waltzing 1895/1900; Frank 1934.

<sup>5</sup> On *incerti*, see the seminal study of Taylor 1961, who first suggested the use of this to indicate individuals of undisclosed legal status. I return in detail to this study in Chapter III.

<sup>6</sup> Vermote 2016.

<sup>7</sup> Frank 1916; Gordon 1931; Thylander 1952; Taylor 1961. More recently, Garnsey 1975; López Barja de Quiroga, 1995; Mouritsen 2004, 2005.

<sup>8</sup> Kajanto 1965; Solin 1971; Mouritsen 2004.

of freed condition might have been the result of an arbitrary reading of the evidence, itself the consequence of two correlated factors, both, however, external to the evidence: on the one hand, by an incomplete understanding of the different epigraphic habits and practices embraced by the various segments of Roman society, and of the *conventional* meaning attributed to status indicators in Latin inscriptions, both of which had a significant impact on the use of status indicators in inscriptions; and, on the other hand, by a narrow interpretation of Roman society, which places a greater focus on the study of Roman citizens (whether freeborn or free) at the expense of other legal and social categories.

As is well known, Roman society was not made up only by Roman citizen (and their slaves): the social fabric of the Empire was a complex construct, which comprised a number of different legal conditions, each defined by varied degrees of (personal) freedom and citizenship.<sup>9</sup> Some of these legal statuses, such as Junian Latinity – the condition enjoyed by informally or imperfectly manumitted slaves – are visible to the modern eye especially through legal writings. Others, for example the provincial *ius Latii* – the right of citizenship belonging to the *civies* of a Latin municipality – can be appreciated mainly through a limited selection of inscriptions, and through sparse references in legal and literary sources. Yet, despite their limited visibility in the surviving evidence, individuals who enjoyed these legal statuses probably made up a significant (yet unquantifiable) portion of the population living within the borders of the Roman Empire: as Weaver observed, they are '[...] a black hole of *large* but unknown proportions at the heart of our understanding [...]'<sup>10</sup> of the Roman world. That being so, it is logical that in the past decades, scholars have attempted to quantify for instance the impact of Junian Latinity on various aspects of Roman society, and to outline the legal limitations and agency of Junian Latins.<sup>11</sup> However, the discussion on Junian Latinity has been confined mostly to articles dedicated to that specific topic, and only limited attention has been devoted to the study of Junian Latins *within* Roman society at large, or in a local context –<sup>12</sup> with the notable exception of

---

<sup>9</sup> In the broader context of legal statuses in the Roman world, the concept of 'degrees of freedom' was put forward by Rawson 2010.

<sup>10</sup> Weaver 1997, 55. The italic is mine.

<sup>11</sup> Buckland 1908; Sirks 1981 and 1983; Weaver 1990 and 1997; López Barja de Quiroga 1998; Roth 2010; Rawson 2010. Corcoran 2011, which focuses on identifying references to Junian Latins in legal sources.

<sup>12</sup> There is a notable exception: Emmerson 2011, which attempts to find evidence of Junian Latins in the necropolis of Pompeii. However, Emmerson's article has not met with general scholarly consensus, and her methodology has been criticised by Campbell 2015, 65.

Herculaneum and its Album.<sup>13</sup> In a similar manner, the scholarly debate on the *ius Latii* has focused primarily on defining the legal peculiarities of the Latin right,<sup>14</sup> sometimes at the expenses of investigating in greater detail its impact on the demographic composition of the Western provinces,<sup>15</sup> and especially on the resident population at Rome and in major Italian centres, such as Ostia. As a result, in many broader studies on Roman society, these less documented legal categories have often been left to the margin. For example, the current scholarly debate on freed individuals in the Roman Empire is still largely centred on freed people in possession of Roman citizenship, who are usually studied against the backdrop of a society for the most part made up by freeborn Roman citizens and slaves: little to no attention is given to informally or imperfectly manumitted slaves.<sup>16</sup> Similarly, modern studies on foreigners at Rome usually focus on the wider themes of cultural identity, with little regard to the different legal statuses enjoyed by non-Romans living within the Empire.<sup>17</sup>

However, when engaging with broader social studies, failing to take properly into account these less documented legal categories has the potential to hamper the scholarly understanding of Roman society as a whole, by underestimating the importance of the residents not in possession of Roman citizenship, especially since these might have represented a sizeable portion of the population living within the Empire.<sup>18</sup> This observation holds true also for any epigraphic study that aims at reconstructing the legal condition of the individuals mentioned in any one particular inscriptional record. In fact, failing to take properly into account the importance of these less documented legal categories can result in arbitrary distortions of the picture offered by the epigraphic evidence, which might further blur the scholarly

---

<sup>13</sup> The so-called Album of Herculaneum is an inscription that lists the name of several hundred individuals from Herculaneum (and the surrounding areas?), including that of Lucius Venidius Ennychus, one of the few Junian Latins known to scholarship. The document will be discussed in more detail in Chapter I. For an overview of the most recent bibliography on the topic, see: Garnsey and De Ligt 2016; De Ligt and Garnsey 2012; Mouritsen 2007; Camodeca 2008; Wallace-Hadrill 2011.

<sup>14</sup> The bibliography on the topic will be examined thoroughly in Chapter II. For an overview of the most relevant studies on the *ius Latii* see: Sherwin-White 1973; Millar 1977; Humbert 1981; González 1986; Chastagnol 1995; Le Roux 1998; Gardner 2001.

<sup>15</sup> The most notable exception is Chastagnol 1995, which collects a series of studies on the diffusion of the *ius Latii* in Gaul. Particularly significant is also Alföldy's contribution to the study of the onomastic practices adopted in communities of Latin right, which is, however, partially in need of revision: Alföldy 1966.

<sup>16</sup> Mouritsen 2004, 2005, 2011; Bell and Ramsby 2012; George 2013. More attention was given to Junian Latins by Gardner 1993, in her monograph on Roman citizenship.

<sup>17</sup> For reference, see Baldson 1979; Noy 2000; Mathisen 2006.

<sup>18</sup> Lavan 2016.

understanding of Roman society. Thus, an incorrect interpretation of the legal status of the individuals mentioned in a specific inscriptional record might have an impact on topics such as the broader discussion on the spread of the Roman franchise in imperial times, or on the debate on how different categories of individuals engaged with the epigraphic medium. It follows that when investigating the epigraphic evidence, a more cautious approach is needed.

As anticipated above, legal categories such as Junian Latinity are difficult to appreciate in inscriptions: the reason lies primarily in the onomastics adopted by individuals who enjoyed these less favourable statuses, which usually resembled the naming conventions followed by Roman citizens, whether freeborn or freed.<sup>19</sup> Yet, even if these individuals are difficult to identify in the documentary evidence, nothing authorizes us to conjecture that they did not engage with the epigraphic medium. On the contrary, this thesis argues that Junian Latins, Latin citizens and other individuals who belonged to less ‘advantageous’ legal categories might indeed be found in the inscriptional record, especially among those who appear to the modern eye as *incerti*. Indeed, I contend that to gain a fuller understanding of Roman society as reflected by the epigraphic evidence, it is important to address the complex issue posed by *incerti* in Latin epigraphy, and to review certain tenets of contemporary scholarship on Roman onomastic trends and on the use of status indicators in inscriptions, to avoid hurried and potentially incorrect classifications – as in the case of Prima and Saturninus. This is the aim of the present thesis.

To be more specific, this thesis explores the *possibility* of identifying certain seemingly invisible categories of individuals in Latin inscriptions – Junian Latins, *dediticii*, Latin citizens and first-generation Roman citizens, by offering an original combination of legal and epigraphic approaches. Since most of these status categories can be appreciated regularly in legal sources, the first two chapters of the thesis – each focusing on a specific condition – will offer a radical reassessment of the most pertinent passages from the writings of jurists as well as parts of (provincial) laws, augmented by the study of a limited selection of literary accounts: this reassessment will provide a new theoretical framework for the study of the several legal categories in other evidential media, such as inscriptions. The contribution of this theoretical framework to the debate on status identification will be two-fold. At a more readily

---

<sup>19</sup> Koops 2014; Roth 2016, 106-7. On the onomastic practices adopted by *Latini* in the provinces, see Alföldy 1966. For a thorough study of Roman naming conventions, see Salway 1994.



accessible level, it will serve the purpose of presenting a more detailed picture of Roman society, by offering a non-quantitative discussion of the spread of these categories, and of the likelihood for individuals who enjoyed a 'less favourable' condition to acquire the Roman franchise. At a more specific level, a careful analysis of the legal and literary sources will allow us to draw considerations on the broader language adopted in different bodies of evidence – and by different authors – when discussing each of these legal categories.

In the first chapter, then, dedicated to informally and imperfectly freed individuals, a 'content-sensitive' approach will enable us to clarify the finer (legal) meaning of the four '*termini technici*' associated with manumitted slaves (*libertinus*, *libertus*, *Latinus*, *dediticius*). Viewed against the backdrop of the legal limitations faced by Junian Latins and *dediticii*, the subtle difference in the meaning expressed by each of these terms (and especially *libertus* and *libertinus*) will allow us to propose the hypothesis that, in Latin epigraphy, informally manumitted slaves might have been unable to convey their status fully. This theory will then be tested against a selection of different types of inscriptions, to investigate the feasibility of identifying informally and imperfectly manumitted slaves in the epigraphic evidence.

In the second chapter, which focuses on the provincial Latin right in imperial times, a similar 'content-sensitive' approach will be adopted to clarify the legal condition of men and women endowed with the *ius Latii*, by comparing the evidence offered by the Lex Flavia Municipalis with other juridical sources. On the one hand, this study will allow us to put forward some considerations on the impact that the Latin right may have had on the demography of the Western provinces, and on the limits to the agency of these *Latini* outside of the community where they held local citizenship. On the other hand, this investigation of the legal condition associated with the *ius Latii*, paired with a careful study of the language employed in different sources to refer to *Latini*, will enable us to explore the possibility of identifying a few Latin citizens in a key set of literary evidence, i.e. the *Epistles* of Pliny. On a more general level, the chapter will discuss the likelihood of encountering *Latini* in the epigraphic evidence, also taking into account the varied onomastic practices that individuals endowed with the Latin right appear to have embraced.

Having discussed the possibility that individuals belonging to very different legal categories might have been unable to indicate properly their condition when engaging with the epigraphic medium, the third chapter will focus in greater detail on the other

factors that might have contributed to the significant increase in the number of *incerti* in inscriptions. In this chapter, the 'content-sensitive' approach championed earlier in the thesis will be applied primarily to the epigraphic evidence, to chart changes in the use of status indicators in different types of inscriptions, which will be studied in light of their material support and of their intended audience. As a result, this chapter will put forward a series of considerations on the attitudes shown by different strata of Roman society towards the adoption of status indicators: on this basis, I will be able to outline changes in the epigraphic practices that seem to have had a tangible impact on the appearance of *incerti* in the surviving inscriptions. Moreover, by highlighting internal discrepancies in the use of status indicators in certain epigraphic documents, the third chapter will offer some preliminary observations on the fact that, in Latin epigraphy, each status indicator may have reflected a conventional meaning, which in turn might have affected its wider usage, a topic that will be explored more fully in the subsequent chapter.

While both libertination and the record of the voting tribe are subject to detailed examination in the fourth chapter, this chapter will focus especially on the meaning conventionally attributed to filiation. The primary aim of the chapter will be to clarify the conventions that may have regulated the use of that particular element, by comparing the wider usage of status indicators in inscriptions commemorating illegitimate sons and daughters of Roman citizens, with those related to newly enfranchised individuals (and their descendants), a broader and varied category that has so far received only insufficient scholarly attention. Furthermore, the chapter will attempt to retrace the origin of the meaning associated with filiation, by comparing the oldest Latin inscriptions in which that element appears (dated to the 3<sup>rd</sup> century BC) with the epigraphic output of other cultures attested in pre-Roman Italy. Finally, this chapter will discuss the dangers implicit in a simplistic approach to the study of status indicators in inscriptions, by examining a number of cases in which epigraphic conventions appear to have been re-interpreted or discarded.

Each of the chapters outlined above is dedicated to the study of a specific legal category or epigraphic dimension: while they do share similar approaches and overlap to an extent, each makes a fresh, independent contribution. However, when considered together, the first four chapters demonstrate that the significant increase in the number of *incerti* in Latin epigraphy was a phenomenon much more complex than hitherto acknowledged by previous scholarship. These first four chapters

decidedly argue against the hypotheses that the majority of *incerti* documented in Latin inscriptions were manumitted slaves, and especially that *incerti* were individuals *unwilling* to disclose their status. As mooted at the beginning of this Introduction, the theory that freed people (and their descendants) dominated the epigraphic record seems to have arisen from an arbitrary reading of the inscriptional evidence, which has often been examined through the lenses of much cherished yet factually imprecise tenets.<sup>20</sup> The fifth and final chapter of this thesis therefore aims to challenge one of the most deeply-rooted of these assumptions: the theory that, in the onomastic record of a freeborn Roman citizen, affiliation to one of the urban tribes should be interpreted as a reliable indication of servile descent.<sup>21</sup> To tackle the issue at hand, the fifth chapter will offer a thorough examination of the relevant epigraphic evidence from Ostia, a city often associated by contemporary scholarship with individuals of servile extraction, who are thought by some – and most notably by Meiggs – to have replaced a significant part of the resident population, including the local governing class.<sup>22</sup> The chapter's primary contribution will be a thorough rebuttal of the idea that the 'social revolution' outlined by Meiggs does find support in the epigraphic evidence, and that the Ostians enrolled in the urban tribe Palatina were invariably of servile extraction. Yet, the conclusions drawn in this chapter will have wider implications also for the study of the familial background of those individuals belonging to the four urban tribes documented in other areas of Roman Italy, and especially at Rome.

In its totality, this thesis not only aims at reconstructing a more detailed picture of the (surviving evidence for the) different legal conditions that existed within the Empire; it also aims at clearing ingrained misconceptions on certain Roman onomastic trends and on the use of status indicators in inscriptions, which currently hamper the study of Roman society as documented in the epigraphic evidence. To achieve this goal, this thesis aspires to put forward new approaches and to propose new parameters that might be used to ascertain the condition of some of the men and women who appear in inscriptions as *incerti*. Almost paradoxically, however, – given its aim to clarify the status of (some) *incerti* – this thesis champions ultimately the idea of

---

<sup>20</sup> On the need of reviewing certain tenets of contemporary scholarship, especially in relation to status identification, see Bruun, who observed that '[...] identifications are often based on a few long-standing, cherished, but rarely examined assumptions about Roman names and naming practices that in fact do not necessarily remain unscathed by close scrutiny': Bruun 2013, 20.

<sup>21</sup> Gordon 1931; Garnsey 1975; López Barja de Quiroga 1995; Eck 1999; Mouritsen 2004, 2005 and 2011; Lindsay 2009.

<sup>22</sup> Gordon 1931; Meiggs 1973.

uncertainty: scholars need to be prepared to withstand the temptation to reach conclusions fast on status identifications, and to embrace instead the multiple interpretative challenges that a lack of certainty in our reading of the sources brings with it. In particular, only by dismissing the practice of classifying *incerti* as manumitted slaves simply on dubious onomastic grounds, which is favoured by current scholarship, will it become feasible to gain an overall fuller understanding of who engaged with Latin epigraphy. As an inevitable corollary, it will not be possible to ascertain beyond any reason of doubt the condition of most of the men and women who appear to us as *incerti*, such as Saturninus and Prima. Yet, what can be gained through the approach championed in this thesis is a more accurate and less impressionistic picture of Roman society as reflected in inscriptions, which can serve as the foundation for future, more specialised studies of Roman society: it is often better to light a candle, than to curse the darkness.<sup>23</sup>

---

<sup>23</sup> This saying, attributed to a number of personalities, first appeared in a sermon delivered by Watkinson and published in 1907.



## **CHAPTER I**

### Identifying Junian Latins at Rome: Gaius and the use of the terms *libertus* and *libertinus*

#### I Introduction

In an important article published nearly twenty years ago, Paul Weaver argued that Junian Latinity, '(a)s a unique social and seemingly elusive demographic phenomenon, [...] represents a black hole of large but unknown proportions at the heart of our understanding [...]'<sup>24</sup> of Roman slavery. There has been much scholarly discussion on the diffusion of Junian Latinity as a social phenomenon, with some authors even claiming it to be little more than a technicality mostly relegated to legal sources and manuals.<sup>25</sup> However, in recent years a number of scholars have postulated the likeliness of Junian Latins making up a substantial portion of the Roman freed population, on the assumption that large numbers of slaves must have been freed informally,<sup>26</sup> especially as part of a peculiar system of legal dealings that might have favoured self-purchase of freedom and iteration.<sup>27</sup> This chapter does not primarily aim to contribute to the ongoing debate on the diffusion of Junian Latinity in Roman society; rather, it will explore the possibility of identifying Junian Latins in the documentary sources, and especially in inscriptions. Yet, the argument here put forward effectively supports the view of the existence of a large number of freed people who had been manumitted as Junian Latins, and who most likely remained in this status through their lives.

After the promulgation of the Lex Aelia Sentia of AD 4, the conditions required to manumit a slave formally and confer on them both *libertas* and *ciuitas* became particularly stringent: the slave must be aged thirty or over, the master had to be invested with full civic rights and quiritary ownership, and the manumission had to be lawful and legitimate, i.e. either *uindicta*, *censu* or *testamento*.<sup>28</sup> While the Lex Aelia Sentia introduced the age restriction in the first place, it also established that a slave

---

<sup>24</sup> Weaver 1997, 55.

<sup>25</sup> Most notably Duff 1958, for whom Junian Latins routinely accessed Roman citizenship through *anniculi probatio*.

<sup>26</sup> Sirks 1981; Weaver 1997; López Barja de Quiroga 1998; Roth 2010; Koops 2014.

<sup>27</sup> Roth 2010; *contra* Buckland 1908, whose views have since been reiterated by Mouritsen 2011.

<sup>28</sup> Gaius I.17: '[...] ut maior sit annorum triginta, et ex iure Quiritium domini, et iusta ac legitima manumissio liberetur, id est uindicta aut censu aut testamento.'

under thirty years of age manumitted *uindicta* could receive *ciuitas* if there was a lawful reason for manumission, one that had to be established before a special panel. According to Gaius, manumitting a natural son or daughter, or brother or sister, or an *alumnus* or a teacher, a male slave with the intention of appointing him as steward or a female slave on account of prospective marriage, all constitute *iusta causa*. If the panel that had to assess the reasons offered for the manumission met in Rome, it consisted of five senators and five Roman *equites* and took place on certain days; if the panel met in the provinces, it was convoked on the last day of the assizes and it consisted of twenty *recuperatores* who held Roman citizenship.<sup>29</sup> In the absence of these requirements, the Lex Iunia decreed that the manumitted slave gained his or her freedom, but rather than becoming a Roman *ciuis*, he or she acquired *Latinitas* and became what we call a Junian Latin.<sup>30</sup> Once manumitted, a Junian Latin could acquire *ciuitas* either through *anniculi probatio*, by performing a number of tasks that would benefit the *populus Romanus* (such as serving as *vigilis*), by direct intervention of the Emperor, or by iteration through their former quiritary owner: the available routes to *ciuitas* changed over time.<sup>31</sup>

Among these methods available to Junian Latins for acquiring freedom (and Roman citizenship), self-purchase of manumission and iteration might have been the most common. Thus, Roth has suggested that Junian Latinity and iteration might have offered to Roman slave owners the possibility to turn manumission into a particularly profitable enterprise. To maximise profits, slaves could be encouraged to buy their freedom (only), using (parts of) their *peculium*, i.e. to be manumitted informally or incompletely, so that those freed slaves who also wanted to acquire *ciuitas* had to further negotiate a second and formal process of manumission with their masters.<sup>32</sup> The theory is persuasive; yet, even setting this economic model aside, it is apparent from what has been said above how easily a manumitted slave could end up becoming a Junian Latin, especially outside the city of Rome. A manumission *uindicta* would have required the presence of a magistrate invested with *imperium*, far less common in the provinces than in Rome, and if the slave was under thirty years of age, the panel tasked with evaluating the reasons for the manumission had to be composed of a conspicuous number of jurymen, twenty *recuperatores*, and held on

---

<sup>29</sup> Gaius 1.20.

<sup>30</sup> Gaius 1.22.

<sup>31</sup> Gaius 1.28-35; *Tit. Ulp.* 3.

<sup>32</sup> Roth 2010.

the last day of the term. These regulations seem to suggest that *manumissio uindicta* was less accessible in the provinces than it was in Rome, since it usually would have been relegated to a specific time and space, namely the last day of the month and the provincial capital, or wherever the magistrate *cum imperio* happened to reside for a prolonged time. This could potentially prevent slave owners who lived far from seats of government from accessing *manumissio uindicta* altogether if they lacked the economic means or the opportunity to travel to the provincial capitals. If a slave owner based in the provinces wanted to manumit a slave in a formal way, the most accessible form of manumission would then have been *testamento*. However, taking into account how manumission by will was intrinsically linked to a potentially unpredictable occurrence – that is to say, death – there was always a possibility that a slave under the age of thirty who was mentioned in his or her owner's will could accidentally be manumitted before meeting the age requirement, if the owner died suddenly and before their time; as a result, that particular slave would become a Junian Latin, despite having been manumitted formally. As mentioned earlier, if a Junian Latin could not acquire *ciuitas* by iterating his or her manumission through a formal procedure, he or she would have had to resort to a number of alternative methods, the seemingly most accessible of which would have been *anniculi probatio*.<sup>33</sup> Originally, the Lex Aelia Sentia decreed that those Junian Latins that married either a *ciuis Romana* or a *Latina* before at the least seven citizen witnesses, for the purpose of having children, upon their child reaching one year of age could present their petition before either the Praetor or the provincial governor to acquire *ciuitas* for them, their spouse and their children.<sup>34</sup> This opportunity was later extended even to those Latins manumitted after thirty years of age, by a *senatus consultum* issued under the consulship of Pegasus and Pusio.<sup>35</sup> Once more, the need for the prospective citizens to submit their case either to the Praetor or the provincial governor, coupled with the requirement for the son or daughter to reach at least one year of age – not a certainty in a high infant mortality society such as the Roman one was – would have made the *anniculi probatio* procedure not viable for every married couple.<sup>36</sup> It is emblematic that, up to the present, the only documented case of *anniculi*

---

<sup>33</sup> Weaver 1997, 60.

<sup>34</sup> Gaius 1.29.

<sup>35</sup> The *senatus consultum Pegasianum* was enacted under the reign of Vespasian: Volterra 1969.

<sup>36</sup> By examining the dossier of Lucius Venidius Ennychus, Camodeca (2006a) has demonstrated that local town councils were involved in the preliminary stage of *anniculi probatio*, and that the *ordo decurionum* set in motion the inquiry that was then to be assessed



*probatio* is that of L. Venidius Ennychus, a man who figures prominently in a number of documents from Herculaneum, and that his case, although successful, attracted in later years a challenge to his *ius honoris* and the legitimacy of his standing as a Roman citizen.<sup>37</sup>

Taking into account these limitations, one would expect Junian Latins to figure prominently in the ancient sources. Yet, the names of only a handful of Junian Latins are known: next to the above mentioned L. Venidius Ennychus, there are Helene, Paramone and Techosis, both known from papyri from Egypt,<sup>38</sup> and C. Valerius Astraeus, C. Valerius Dionysius and C. Valerius Aper, and possibly (Antonia?) Hedia, Antonia Harmeris, L. Satrius Abascantus, P. Caesius Phosporus and Pancharia Soteris, all mentioned in the correspondence of Pliny the Younger.<sup>39</sup> Given this dearth of identified Junian Latins, it is quite apparent that '(s)cholarship currently lacks a means to distinguish freed slaves endowed with citizenship from freed slaves without – the so-called Junian Latins [...]'<sup>40</sup>, since the *tria nomina* fail to point out clearly the legal status of their bearer and, in the absence of additional indicators, at best only denote that they enjoyed *libertas*.<sup>41</sup> Of the different 'status indicators' that often accompanied the onomastics of individuals in Latin epigraphy, the record of the voting tribe is the most reliable evidence of *ciuitas*,<sup>42</sup> and filiation offers a clear indication of

---

the Praetor, who was the only one who could accept or reject the outcome of the *anniculi probatio*. It is evident that those Junian Latins who lived in Italy were not required to visit Rome to submit their case to the Praetor in person, but the involvement of the local *ordo decurionum* did not make the process of *anniculi probatio* less laborious. After all, it took Ennychus two years to have the Praetor recognise him and his family as Roman citizens.

<sup>37</sup> Arangio-Ruiz and Pugliese Carratelli 1955; Camodeca 2006a; Camodeca 2006b; Camodeca 2006c.

<sup>38</sup> The three women were freed *inter amicos*, and are known through *M.Chr* 362, *P.Oxy* IX, 1205 and *P.Lips* II, 151.

<sup>39</sup> Pliny, *Ep.* 10.104, 1.5, 1.11. There is no room for doubting that C. Valerius Astraeus, C. Valerius Dionysius and C. Valerius Aper were Junian Latins, as Pliny explicitly states that he had received the *ius Latinorum* over them from Paulinus, their former owner. The idea that (Antonia?) Hedia, Antonia Harmeris, L. Satrius Abascantus, P. Caesius Phosporus and Pancharia Soteris might be Junian Latins has been put forward by Sherwin-White 1966, and later re-iterated by Weaver 1990, 279. However, there is not enough evidence to be certain that these five individuals were Junian Latins, and the request that Pliny makes to Trajan to bestow the *ius Quiritium* on them might be motivated by different reasons. The legal status of these individuals will be discussed in Chapter II.

<sup>40</sup> Roth 2016a, 106-7.

<sup>41</sup> Weaver 1997, 56, n. 106.

<sup>42</sup> Being Roman citizens, slaves that had been freed formally were of course enrolled in a tribe, often in one of the four urban ones. However, in Latin epigraphy the voting tribe of a freedman is conventionally omitted in public and honorific inscriptions. See Mommsen 1887/8, III, 440-2; Taylor 1961, 116. Several inscriptions mentioning the tribe of a freedman are known (notable examples include AE 1976, 125; 1979, 537; 1991, 720; 1995, 671), but most of them

free birth. Yet, as I will argue in what follows, even libertination can provide useful evidence not only in telling *ingenui* apart from *libertini* on a more general level,<sup>43</sup> but even to differentiate between *liberti ciues Romani* and Junian Latins.<sup>44</sup> However, from the early Empire onwards, both libertination and filiation and the record of the voting tribe tend to become less and less common in inscriptions. The progressive disappearance of status indicators has been interpreted by part of contemporary scholarship as a consequence of those cultural phenomena commonly classified as ‘epigraphic habits’,<sup>45</sup> which shaped the epigraphic production in different ways, according to the attitudes of those who engaged with the medium. In particular, to account for the progressive disappearance of filiation and libertination and the resulting growing number of *incerti* in inscriptions,<sup>46</sup> it has been suggested that, from the first century AD onwards, (funerary) Latin epigraphy slowly became a prerogative of freedmen,<sup>47</sup> and that freed people usually failed to mention their patrons in order to gloss over their legal status. This notion is so embedded in modern scholarly thought that still in 2014 Koops, commenting on the fact that Junian Latinity is never explicitly mentioned in funerary inscriptions, wrote that ‘(t)his should come as no surprise, since a freedman (and his family) would have had little reason to commemorate what amounted to a second-class citizenship.’<sup>48</sup>

---

are epitaphs. For a discussion, see Buonopane 2009, 146-9. See also Chapter IV. For a more comprehensive study on freedmen and voting tribes, see Taylor 1960; Treggiari 1969.

<sup>43</sup> I use the term “libertination” to refer to the formula that in Latin is employed in a number of documents, including inscriptions, to show that the person mentioned is a freedman. It consists of the initial of the patron’s *praenomen* followed by the letter “l” – or less frequently the abbreviation “lib.”, i.e. *libertus/liberta*, typically placed between the *nomen* and the *cognomen* of the freedman. For example: “Marcus Tullius M(arci) l(ibertus) Tiro”, “Marcus Tullius Tiro, freedman of Marcus”. To the best of my knowledge, the term is first used in the scholarly debate by Bruun, in Bruun and Edmonson 2015, 608.

<sup>44</sup> The hypothesis that Junian Latins might have been unable to employ libertination has been first suggested by Garnsey and De Ligt (2016, 76), who speculated that the Album of Herculaneum must be dated to before AD 62, when Lucius Venidius Ennychus acquired Roman citizenship, on the ground that he is recorded as an *incertus* in that inscription; in support of their reasoning, the two scholars referenced Gaius 1.35. However, Garnsey and De Ligt mainly intended to clarify the demographic make-up of Herculaneum, and so the two scholars did not investigate further the meaning and usage of the term *libertus*, neither in the legal sources nor in Latin epigraphy, which is instead the aim of the present chapter.

<sup>45</sup> MacMullen 1982; Meyer 1990.

<sup>46</sup> The term *incertus* was first devised by Taylor 1961 to define individuals of undisclosed legal status.

<sup>47</sup> Most notably by Taylor 1961; Kajanto 1965; Solin 1971 and 1996; Mouritsen 2005 and 2011. More critical is Bruun (2015, 609) who advocates for more caution, especially in regard to the supposed links between legal condition and onomastic practices.

<sup>48</sup> Koops 2014.

While it could be possible that a number of freed people glossed over their legal status on purpose, the idea that this became a habit so widespread as to cause a progressive disappearance of *libertination* (and *filiation*) in inscriptions is naive. To begin with, it fails to take into account that each inscribed document was primarily commissioned to convey a specific message, one that at times could completely dismiss the importance of the status of the individuals commemorated in that particular inscription without having an impact on the effectiveness of the message itself.<sup>49</sup> Even more importantly, the theory also disregards a number of significant legal implications that might have affected the capacity of different categories of individuals to adopt specific status indicators. Directly related to this approach is the fact that in recent years, in studies concerned with freedmen and Junian Latins, there has been a noticeable trend towards keeping ‘the more complicated legal material to a minimum’.<sup>50</sup> In particular, in a very influential article, Weaver went as far as to suggest that ‘little or no confusion is caused by abandoning the term “*libertinus/a*”<sup>51</sup> to refer to freed people in general, and instead advocating the generalised use of the term *libertus*. It is this particular aspect of the debate on freedman status that, as I will argue on the following pages, actually affords a fresh perspective on the problem of identifying Junian Latins. Thus, I propose that we need to go back to the basics, i.e. our sources, to have a close look at the problem of identifying Junian Latins.

This investigation will begin with the text most extensively cited by modern scholars when discussing Junian Latinity – the *Institutes* of Gaius, which represents an obvious starting point for the study at hand. In fact, the *Institutes* of Gaius is the legal work that most prominently discusses the condition of Junian Latins, even if references to informally or imperfectly freed slaves can also be found in other sources, most notably in the (so-called) *Epitome* of Ulpian, the *Pauli Sententiae*, the *Codex Theodosianus*, and the vast Justinianic production. Equally importantly, the *Institutes* of Gaius is the earliest of the surviving legal texts concerned with Junian Latinity, and the only one to have been transmitted to us – for the most part – in its original form, and not altered in Justinianic times or for anonymous post-classical compilations,<sup>52</sup> a point that I will elaborate in greater detail towards the end of the following subchapter. However, it

---

<sup>49</sup> The impact of the ‘intended’ audience of a monument on the choice whether to include or omit certain onomastic elements and status indicators in the inscribed text will be discussed in greater detail in Chapter III.

<sup>50</sup> Weaver 1997.

<sup>51</sup> Pace Weaver 1986, 166, note 1.

<sup>52</sup> Robinson 1997, 62; Jolowicz 1932, 394.

should be noted that, despite the fact that the *Institutes* has not sustained the same degree of alteration of other works written by near contemporaries of Gaius, this text is not entirely unaffected by problems of transmission either. The most significant issue arises from the fact that the majority of the *Institutes* was preserved only in the palimpsest of a manuscript dated to the late fourth or early fifth century AD,<sup>53</sup> which in medieval times was partially erased and overwritten with the letters of St. Jerome and Gennadius.<sup>54</sup> The palimpsest was originally discovered in Verona in 1816 by Niebhur: the discovery resulted in a first critical edition, published 1820; since then, the use of chemicals, in an attempt to make the writings of Gaius more visible, has rendered the manuscript largely illegible.<sup>55</sup> Quite evidently, the juxtaposition of the two texts has made the reconstruction of the *Institutes* more complex since the very beginning. Moreover, scholars have also highlighted the presence of glosses that must represent later additions to the text written by Gaius:<sup>56</sup> this can hardly be surprising, since the manuscript itself is dated to two to three centuries after the original composition of the *Institutes*. Yet, despite the challenges offered by the Verona palimpsest, there can be little doubt that the text that emerges from the manuscript is largely the one written by Gaius in the 2<sup>nd</sup> century AD.<sup>57</sup> This observation is borne out by the the significant degree of internal coherence of the work itself, and by the comparison of the palimpsest with short fragments of the *Institutes* documented in two papyri,<sup>58</sup> one of which dated to as early as the 3<sup>rd</sup> century AD,<sup>59</sup> which confirm the reading of the Veronese manuscript.<sup>60</sup> Thus, considering how the *Institutes* as a whole are indeed the coherent work of the classical jurist Gaius,<sup>61</sup> on the basis of a thorough analysis of this source, I will argue that the terms *libertus* and *libertinus* consistently carried – within the *Institutes* – a distinct and well-defined legal meaning.

---

<sup>53</sup> Buckland 1931, 27. Jolowicz 1932, 394. More recently, Varvaro has revisited the older hypothesis that the manuscript might have been written in the East at some point in the 6<sup>th</sup> century AD, on the grounds of a palaeographical analysis: Varvaro 2015, 79-103.

<sup>54</sup> Schiller 1978, 43; Jolowicz 1932, 394. It should also be noted part of the *Institutes* survives in a (much condensed) *Epitome Gaii*, which was part of the so-called *Lex Romana Visigothorum*.

<sup>55</sup> Robinson 1997, 62.

<sup>56</sup> For a general discussion of glosses in Gaius, see Buckland 1931, 27, and Schiller 1978, 45. For a more specific study, see Solazzi 1972.

<sup>57</sup> De Zulueta 1952, 6-7.

<sup>58</sup> PSI XI, 1182 (technically parchment rather than a papyrus); P.Oxy XVII, 2013. See also Buckland 1931, 28.

<sup>59</sup> P.Oxy XVII, 2013.

<sup>60</sup> Buckland 1931, 28.

<sup>61</sup> De Zulueta 1952, 6-7.

In the past decades, the debate on Gaius has been particularly rich. Since details on his life are scant, scholars have put forward several hypotheses on his origin,<sup>62</sup> his professional activity,<sup>63</sup> the places in which he might have studied and taught,<sup>64</sup> and even his cultural and social background. Some of these theories are largely irreconcilable with each other, and modern opinions on Gaius and on his influence as a jurist differ greatly.<sup>65</sup> In a similar manner, scholars have debated at length the nature and purpose of the *Institutes*. There is a consensus around the idea that the text was written as a tool for the teaching of Roman law – a ‘handbook’ of sort – but again, hypotheses on how the *Institutes* were composed are numerous and differ significantly,<sup>66</sup> as do scholarly opinions on which categories of students (and readers) the text was primarily aimed at. However, it is precisely the didactic nature of the *Institutes* – on which scholarship agrees – that allows us to put forward the hypothesis that the well-defined legal meaning of the terms *libertus* and *libertinus* found in the *Institutes* does not represent a unicum of Gaius, and rather that it applied to the broader Roman legal discourse. This hypothesis holds true even if maintaining that the *Institutes* was an elementary text,<sup>67</sup> aimed at offering an introduction to Roman law to new students, an observation that actually strengthens the idea that the punctilious language adopted by Gaius reflected a common practice of his times, and not the personal dictionary of the jurist. Moreover, as will become apparent in the rest of the chapter, the use of the *termini technici* adopted in the *Institutes* to refer to manumitted slaves appears to have been followed also by other sources. These similarities in the usage across different documents suggest that the distinction between the terms *libertus* and *libertinus* was not restricted to legal writings: potentially, it could be transposed into other bodies of evidence as well, and into a wide range of social practices at Rome. As a consequence, this distinction in

---

<sup>62</sup> An influential current in scholarship holds Gaius to be a provincial from the East: this view was established by Mommsen (1905, II, 26-38), and later endorsed by Arangio-Ruiz (1960, 288), but has been criticised –to various degrees – by other scholars, such as Buckland (1931, 25), Kunkel (1952, 186), and Honoré (1962, in particular 70-96), who suggested that Gaius might have moved to the East later in life.

<sup>63</sup> On this topic, see for example Casavola 1966, 1-11, and Honoré 1962, especially 18-45.

<sup>64</sup> See especially Honoré 1962.

<sup>65</sup> For example, at the opposite ends of the spectrum can be found the views of Mommsen, who believed Gaius to be a jurist of modest qualities (Mommsen 1905/13, II, 26-38), and Honoré, who offered a much more positive opinion of Gaius and his writings (Honoré 1962).

<sup>66</sup> For example, see Buckland 1931, 25, and Jolowicz 1932, 392-3, both of the idea that Gaius might have re-adapted and expanded writings of earlier jurists, an opinion in part rejected by scholars like Casavola (1966, 1) and Kaser (1966, 43). See also Honoré 1962, who suggests that the *Institutes* in its current form might be a later revision of a first draft written by Gaius already in Hadrianic times: Honoré 1962, 46-69.

<sup>67</sup> Schiller 1978, 43.

terminology might enable a clearer status identification of the individuals concerned in this chapter, namely the freed population of Rome. First, however, let us focus our attention on the *Institutes* of Gaius.

## II Gaius: *libertini*, *liberti* and Latini

According to Susan Treggiari, '(i)n classical usage (the term *libertinus*) means the freedman in relation to society, while *libertus* is used of a freedman in relation to his *patronus*, his ex-master.'<sup>68</sup> However, as anticipated earlier, a study of the occurrence of the terms *libertus* and *libertinus* in ancient sources, primarily the *Institutes* of Gaius, reveals a scrupulous usage that might suggest legal implications deeper than those usually considered by scholarship. This is already visible, in part, in one of the most quoted passages of the *Institutes* (§1.9), on the different conditions of men. To preserve the difference in terminology employed by Gaius, I will systematically translate the Latin *librtus* as "freedman", and *libertinus* as "freed person" or "freed individual":

[III. De condicione hominum.] 9. Et quidem summa diuisio de iure personarum haec est, quod omnes homines aut liberi sunt aut serui. 10. Rursus liberorum hominum alii ingenui sunt, alii **libertini**. 11. Ingenui sunt, qui liberi nati sunt; **libertini**, qui ex iusta seruitute manumissi sunt. 12. Rursus **libertinorum** tria sunt genera: nam aut **ciues Romani** aut **Latini** aut **deditiorum** numero sunt [...].

[III. Regarding the condition of men.] 9. The main division of the *ius* of persons is this: all men are either free or slave. 10. Again, of those who are free some are freeborn, some are **freed (libertini)**. 11 Freeborn are those born free; **freed persons** are those that have been manumitted from legal slavery. 12 Again, there are three classes of **freed persons**: either **Roman citizens**, or **Latins** or **dediticii** [...].

In the passages that follow, Gaius reviews the condition of *dediticii*,<sup>69</sup> then the requirements for a lawful manumission,<sup>70</sup> and the regulations of the Lex Aelia Sentia<sup>71</sup>, which I have already discussed above, and the limited legal capacity attached to

---

<sup>68</sup> Treggiari 1969, 52-53. See also the *Oxford Latin Dictionary*, fasc. V, 1025, entry 1976. It should be noted that the term *libertinus* had acquired the meaning of freed individual only at some point during the Republic. As we are reminded by Suetonius, at the time of Appius Claudius Caecus (4<sup>th</sup>/3<sup>rd</sup> centuries AD), the term was instead used to indicate sons and daughters of freed slaves: Suet. *Claud.* 24. This point will be discussed in greater detail towards the end of this sub-chapter.

<sup>69</sup> Gaius 1.13-14.

<sup>70</sup> Gaius 1.17.

<sup>71</sup> Gaius 1.18-19.

Junian Latinity.<sup>72</sup> Whenever discussing manumission, recurring expressions in these passages are **ciuis Romanus fieri/Latinus fieri** and the equivalent **ciuem Romanum facere/Latinum facere**, a technicality embedded in the whole corpus of the *Institutes*, which in later passages is fundamentally connected to the usage of the term **libertus**: a manumitted slave *is made* either a Roman citizen or a (Junian) Latin.<sup>73</sup>

§§1.28 to 1.41 concern the ways through which Latins can acquire Roman citizenship; albeit incomplete, §1.35 is particularly illuminating:

35. Praeterea possunt maiores triginta annorum manumissi et **Latini facti** iteratione **ius Quiritium** consequi. quo [---] triginta annorum manumittant [--- v.v. 1 1/2 ---] manumissus uindicta aut censu aut testamento et **ciuis Romanus** et **eius libertus fit**, qui eum iteraverit. ergo si seruus in bonis tuis, ex iure Quiritium meus erit, **Latinus** quidem a te solo **fieri potest**, iterari autem a me, non etiam a te potest et eo modo **meus libertus fit**. sed et ceteris modis **ius Quiritium** consecutus **meus libertus fit**. bonorum autem, quae [---], cum is morietur, reliquerit, tibi possessio datur, quocumque modo ius Quiritium fuerit consecutus. quod si cuius et in bonis et ex iure Quiritium sit, manumissus ab eodem scilicet et **Latinus fieri potest et ius Quiritium consequi**.

35. Moreover, those who are over thirty years of age and were manumitted as **Latins** can obtain the **right of citizenship (ius Quiritium)** through iteration. [---]<sup>74</sup> if he is manumitted (again) either by the rod of the Praetor, or by the inscription or the registers of the census or by will, he would be made a **Roman citizen** and **would become the freedman (libertus)** of the one who iterated the manumission. Therefore, if you have bonitary right over a slave, and he belongs to me by quiritary right, he can be **made a Latin** only by you, and he can be manumitted a second time by me and not by you, and in this way **he would become my freedman (libertus)**. And if he acquires the right of citizenship (**ius Quiritium**) by different means, he **would still become my freedman (libertus)**. If he dies, the possession (of his estate) is however granted to you, regardless of the way he acquired the right of citizenship. That (slave) who is owned by the same person both by bonitary and quiritary right, can of course be manumitted (by the owner), and he **could either become a Latin or acquire the right of citizenship**.

It is apparent from this passage that the term *libertus* is entwined with the *ius Quiritium*: a (Junian) Latin officially becomes the *libertus* of his former quiritary owner

<sup>72</sup> Gaius 1.23-24.

<sup>73</sup> Sherwin-White 1973, 41 notes that the locution '[...] *facti Romani*' is at least as old as Ennius [...]', and that it was originally used in Roman public law in reference to civic communities acquiring Roman or Latin citizenship, but that it could also be used in reference to single individuals acquiring a different status, i.e. when becoming Romans or Latins.

<sup>74</sup> The original text is heavily fragmented and, at present, it is impossible to reconstruct it in a satisfactory way. Therefore, I have decided to omit from the translation the three words surviving within the gaps. 'triginta annorum manumittant', to improve the readability of the passage.

only at the moment he becomes a *civis*, either by direct intervention of his *patronus* through iteration, or in different ways.

The terms *libertus* and *libertinus* are once more used extensively towards the end of the *commentarius primus*, in a number of passages devoted to the institution of legal guardianship. Again, whenever Gaius uses the word *libertus* in these passages, it is clear from the context that he is referring to freed people that happen to be Roman citizens, even if this is not explicitly stated:

165. Ex eadem lege XII tabularum **libertarum** et **impuverum libertorum** tutela ad patronos liberosque eorum pertinet; [...] 167. Sed **Latinarum** et **Latinorum impuverum** tutela non omni modo ad **manumissores libertinorum**, **pertinet, sed ad eos, quorum ante manumissionem ex iure Quiritium fuerunt**: unde si ancilla ex iure Quiritium tua sit, in bonis mea, a me quidem solo, non etiam a te manumissa **Latina fieri** potest, et bona eius ad me pertinent, sed eius tutela tibi competit; nam ita lege lunia cauetur. itaque si ab eo, cuius et in bonis et ex iure Quiritium ancilla fuerit, **facta sit Latina**, ad eundem et bona et tutela pertinent.

165. By the same law of the XII Tables, the legal guardianship of **freedwomen** and **freedmen under the age of puberty** belongs to their patrons and the children of the latter. [...] 167. While the guardianship of **female Latins** and **male Latins under the age of puberty** does not always belong to **the manumitters of the freed individuals, but rather to those who were their quiritary owner before the manumission**: therefore, if you own a female slave under quiritary right, and I have bonitary right, she **can be made a Latin** only by me and not you, and her estate belongs to me, while you have the right of her guardianship; and this has been established by the Lex lunia. And so if a female slave was to be **made a Latin** by someone who exerted over her both bonitary and quiritary rights, both her estate and the right of her guardianship would belong to them.

Comparing and contrasting the two passages shows that, when referring to the legal guardianship of freed people in possession of Roman citizenship, Gaius simply uses the term *libertus*, while for discussing the guardianship of Junian Latins, he instead resorts to the more generic term *libertinus*. Moreover, §1.165 clearly employs the term *patronus*, whereas the recipient of the right of guardianship over a Junian Latin is usually (but not always) referred to as the previous quiritary owner: ‘eos, quorum ante manumissionem ex iure Quiritium fuerunt’.

*Libertus* (or, more correctly, *liberta*) is again used in §§1.174-9, when discussing a number of dispositions that concern freedwomen who seem to be in possession of Roman citizenship.<sup>75</sup> However, in §1.194, when discussing the right of a freed woman

---

<sup>75</sup> These passages refer to the *patronus* of a freedwoman, a term that Gaius usually avoids when referring to Junian Latins. Moreover, passage 1.175 discusses the patronage of those



to be released from guardianship through the *ius quattuor liberorum*, Gaius employs again the wider term *libertinae*, following a logic not dissimilar to the one highlighted above. As we have seen at §1.12, the term *libertinus* indicated the freed condition in a more general sense, and applied to each of the three categories of manumitted slaves; therefore, Gaius' choice of terminology for §1.194 clearly reflects the universal nature of the *ius quattuor liberorum*, which benefited *all* freed women, both Roman citizens *and* Junian Latins (and *dediticiae*) alike.

194. Tutela autem liberantur ingenuae quidem trium liberorum iure, **libertinae** uero quattuor, si in patroni liberorumue eius legitima tutela sint; [...]

194. Moreover, (freeborn) women are released from legal guardianship by the right of the three children, or four if they are **freed women**, if they are under the legitimate guardianship of their patron or his children; [...]

Moving to the next book, in the *commentarius secundus*, the term *libertus* is used only twice, while discussing testamentary dispositions:

266. Qui autem ex fideicommisso manumittitur, non testatoris fit **libertus**, etiamsi testatoris seruus fuerit, sed eius, qui manumittit. 267. At qui directo testamento liber esse iubetur, uelut hoc modo: STICHUS SERUUS MEUS LIBER ESTO, uel hoc: STICHUM SERUUM MEUM LIBERUM ESSE IUBEO, is ipsius testatoris **fit libertus**. nec alius ullus directo ex testamento libertatem habere potest, quam qui utroque tempore testatoris ex iure Quiritium fuerit, et quo faceret testamentum et quo moreretur.

266. Who is manumitted under *fideicommissum*, he does not become the **freedman** of the testator, even though he may have been his slave, but of the person who performs the manumission. 267 And the slave who is ordered to be free by a direct provision of a will, for instance in these ways: "Let my slave Stichus be free," or "I order my slave Stichus to be free", he becomes the **freedman** of the testator himself. No one can obtain his freedom by a direct provision of a will other than the one who belonged to the testator by quiritary right at both times: when the testator executed the will, and when he died.

---

*libertae* who had been manumitted by one of their *parentes* (a term that in Latin refers not only to one's parents, but also to one's grandparents), and consanguinity was considered a *iusta causa* that allowed slaves to be formally manumitted even if they not met the age requirements, as we are reminded in Gaius 1.19. Similarly, 1.79 discusses the possibility for the underage son of a *patronus* to act as guardian of his father's *liberta*, but reminds the reader that such a guardian cannot authorise the act of the *liberta*, since he himself, being underage, requires the authorisation of his own guardian in order to act. Considering that the *libertae* mentioned in 1.79 have the legal capacity to act, it might be suggested that Gaius is referring to freedwomen endowed with Roman citizenship, although the possibility that he might also allude to *Latinae Iunianae* cannot be excluded entirely, since the extent of the legal capacity of a (female) Junian Latin are not fully known.

In these two passages, there is no explicit indication that Gaius is referring to freed slaves endowed with Roman citizenship. However, the fact that Gaius is commenting on manumission by will, a formal method of manumission that ideally conferred both *libertas* and *ciuitas* upon the former slave, suggests that Gaius is referring to slaves who met all the requirements to become *ciues Romani* upon manumission. The impression is further reinforced by the indication that the manumitted slave would become the *libertus* of either the manumitter or the testator, reflecting the language adopted in §1.35: 'libertus fit'. If this was not the case, Stichus would become a Latin and, following the pattern again highlighted in §1.35, would not be referred to as the *libertus* of his previous owner.

The following book, *commentarius tertius* focuses on the law of property, and is by far the section of the *Institutes* that employs the terms *libertinus* and *libertus* the most. §§3.39 to 3.54 are devoted to the property of *liberti*. Even if not explicitly stated, it can be assumed through the context that Gaius is referring to freed people that were endowed with Roman citizenship, as will become apparent on the following pages. It is important to give some key passages to demonstrate clearly the consistency in the usage of the terms here discussed:

39. Nunc de **libertorum** bonis uideamus.

39. Let us discuss the estate of **freedmen**.

40. Olim itaque licebat **liberto** patronum suum impune testamento praeterire. nam ita demum lex XII tabularum ad hereditatem **liberti** uocabat patronum, si intestatus mortuus esset **libertus** nullo suo herede relicto. itaque intestato quoque mortuo **liberto**, si is suum heredem reliquerat, nihil in bonis eius patrono iuris erat; et si quidem ex naturalibus liberis aliquem suum heredem reliquisset, nulla uidebatur esse querella; si uero uel adoptiuus filius filiae uel uxor, quae in manu esset, suus uel sua heres esset, aperte iniquum erat nihil iuris patrono superesse.

40. In the past, it was permitted to a **freedman** to pass over his patron in his will without consequences, because the Law of the XII Tables called a patron to inherit the estate of his **freedman** only when the latter died intestate without leaving any heirs. So if the **freedman** died intestate but left an heir, the patron was not entitled to any of his estate, and if he left an heir who was one of his natural children, no complaint could be made on this account. If, however, the heir was an adopted son or daughter, or a wife who was in his hand, it was plainly unjust that no right (to the estate) should be left to the patron.

41. Qua de causa postea praetoris edicto haec iuris iniquitas emendata est. siue enim faciat testamentum **libertus**, iubetur ita testari, ut patrono suo partem dimidiam bonorum suorum relinquat, et si aut nihil aut minus quam partem dimidiam reliquerit, datur patrono contra tabulas testamenti partis dimidia bonorum possessio; si uero intestatus moriatur suo herede relicto adoptiuo filio uel uxore, quae in manu ipsius esset, uel nuru, quae in manu filii eius fuerit, datur aequae patrono aduersus hos suos heredes partis dimidia bonorum possessio. prosunt autem **liberto** ad excludendum patronum naturales liberi, non solum quos in potestate mortis tempore habet, sed etiam emancipati et in adoptionem dati, si modo aliqua ex parte heredes scripti sint aut praeteriti contra tabulas testamenti bonorum possessionem ex edicto petierint; nam exheredati nullo modo repellunt patronum.

41. For this reason this injustice of the law was afterwards emended by the Edict of the Praetor. If a **freedman** makes a will, he is required to do so in such a way as to leave half of his estate to his patron; and if he leaves him either nothing or less than half, the possession of half the estate is granted to the patron contrary the provisions of the will. If, however, he dies intestate leaving as his heir an adopted son, or a wife who was in his own hand, or a daughter-in-law who is in the hand of his son, an equal share of the estate is also granted to the patron against these heirs. However, natural children permit the **freedman** to exclude the patron (from the right to the estate), not only the children whom he has under his *potestas* at the time of his death, but also those who have been emancipated, or given in adoption, provided they have been appointed as heirs to a share of the estate under the will, or if, having been neglected, they have demanded possession of the estate contrary to the provisions of the will, according to (the terms of the) Edict; for if they have been disinherited they do not exclude the patron in any way.

42. Postea lege Papia aucta sunt iura patronorum, quod ad locupletiores **libertos** pertinet. cautum est enim ea lege, ut ex bonis eius, qui sestertium centum milibus amplius patrimonium reliquerit et pauciores quam tres liberos habebit, siue is testamento facto siue intestato mortuus erit, uirilil pars patrono debeatur; itaque cum unum filium unamue filiam heredem reliquerit **libertus**, proinde pars dimidia patrono debetur, ac si sine ullo filio filiaue moreretur; cum uero duos duasue heredes reliquerit, tertia pars debetur; si tres relinquat, repellitur patronus.

42. Afterwards the rights of patrons were increased by the Lex Papia, which concerned (their) wealthier **freedmen**. For it is provided by this law that if a freedman left an estate of a hundred thousand sesterces (or more), and had fewer than three children, whether he made a will or died intestate, an equal share of his estate was due to the patron. Therefore, if a **freedman** should leave either one son or one daughter, his patron will be entitled to half his estate, just as if he had died without leaving either a son or a daughter; and if he should leave two sons or two daughters as heirs, a third part of his estate will be due to the patron; and if he left three, the patron will be excluded.

43. In bonis **libertinarum** nullam iniuriam antiquo iure patiebantur patroni. cum enim hae in patronorum legitima tutela essent, non aliter scilicet testamentum facere poterant quam patrono

auctore; itaque siue auctor ad testamentum faciendum | factus erat, aut de se queri debebat, quod heres a liberta | relictus non erat, aut ipsum ex testamento, si heres ab ea relictus erat, sequebatur hereditas. si uero auctor | ei factus non erat et intestata liberta moriebatur, | ad eundem, quia suos heredes femina habere non potest, hereditas pertinebat: nec enim ullus olim alius iure ciuili heres erat, qui | posset patronum a bonis libertae intestatae repellere.

43. As to the goods of **freed women**, the patrons were not injuriously affected under the ancient law. For since these women were under the statutory tutelage of their patrons, they obviously could not make a testament except with the authorization of the patron [...]

The section concerning the estate of *liberti* is exhaustive, and comprises numerous dispositions that are of no particular interest to the present study. For space reasons, I have presented only the first five passages, which are particularly relevant for highlighting the usage of the term *libertus* in this part of the *Institutes*; however, this scrupulous use of the terminology also applies to the paragraphs that I have here omitted (§§3.44 to 3.54). As was seen, in these passages, Gaius accounts for the evolution of the law regarding the inheritance of the estate of freedmen who either died intestate or left a will, from the ancient law of the XII Tables to the more recent Lex Papia. Without discussing this evolution in greater detail, it suffices to say that this section of the *Institutes* clearly refers to freed people that happened to be endowed with Roman citizenship, for Junian Latins lacked the legal capacity of making a will.<sup>76</sup> Following once more the same logic as §1.165, it is then apparent that the use of the term *libertus* on its own refers to a freed individual who is endowed with Roman citizenship, a *ciuis Romanus*.

However, even the more general term *libertinus* is also employed occasionally in this *commentarius*, and especially in its feminine variation, *libertina*. In one instance, the term *libertina(e)* is adopted when referring to a specific disposition that applied to all freed women, the *ius quattuor liberorum*.<sup>77</sup> On the other hand, in the remaining cases, the term *libertina* is adopted in passages which refer only to freed women endowed with Roman citizenship. Since their possession of the franchise is evident from the content of the passages, the use of the more general *libertina* instead of the more specific *liberta* should be considered an instance of stylistic *variatio*. In §3.43 especially, this impression is further reinforced by the fact that Gaius uses the term *libertina* at the beginning of the paragraph and then switches to using the term *liberta* when outlining the technicalities of the law. This should not come as a surprise:

---

<sup>76</sup> Gaius 1.23-24.

<sup>77</sup> Gaius 3.44.

*libertae*, by virtue of having been freed from legal slavery, belonged to the wider group of *libertinae*, in line with what Gaius states in §§1.10-12. A similar logic is adopted also in a later passage, which will be discussed in greater detail in due course.

But the *commentarius tertius* has much more in store for the present investigation, and can further illuminate the rationale behind Gaius' use of the different terminology related to freed slaves. Thus, §§3.55 to 3.73, devoted to discussing the estate of Junian Latins, offer the opportunity to understand on a deeper level the legal nuances associated with the term *libertus*. In particular, §3.56, following the very brief 'introduction' of §3.55, is especially relevant for the present study:

55. Sequitur, ut de bonis **Latinorum libertinorum** dispiciamus. 56. Quae pars iuris ut manifestior fiat, admonendi sumus, id quod alio loco diximus, eos, qui nunc **Latini Iuniani** dicuntur, olim ex iure Quiritium seruos fuisse, sed auxilio praetoris in libertatis forma seruari solitos; unde etiam res eorum peculii iure ad patronos pertinere solita est. postea uero per legem Iuniam eos omnes, quos praetor in libertate tuebatur, liberos esse coepisse et appellatos esse **Latinos Iunianos**: Latinos ideo, quia lex eos liberos proinde esse uoluit, atque si essent **ciues Romani ingenui**, qui ex urbe Roma in Latinas colonias deducti Latini coloniarii esse coeperunt; Iunianos ideo, quia per legem Iuniam **liberi facti sunt**, etiamsi non essent **ciues Romani**. legis itaque Iuniae lator cum intellegeret futurum, ut ea fictione res Latinorum defunctorum ad patronos pertinere desinerent, quia scilicet neque ut serui decederent, ut possent iure peculii res eorum ad patronos pertinere, neque **liberti Latini hominis** bona possent manumissionis iure ad patronos pertinere, necessarium existimauit, ne beneficium istis datum in iniuriam patronorum conuerteretur, cauere [uoluit], ut bona eorum proinde ad manumissores pertinerent, ac si lex lata non esset. itaque iure quodam modo peculii bona Latinorum ad manumissores ea lege pertinent.

55. Secondly, let us consider the estate of **Latin freed persons**. 56. In order that this part of the law may become more clear, we should remember what we have stated elsewhere, namely, that those who are now called **Junian Latins** were formerly slaves under quiritary right, but by the aid of the Praetor had been placed in a position of apparent freedom, so that their property belonged to their patron by the right of *peculium*. Afterwards, however, under the Lex Iunia, all of those whom the Praetor had protected while in nominal freedom became actually free, and were called **Junian Latins**; Latins, because the law intended them to be free just as those freeborn Roman citizens were who, having left the city of Rome for Latin colonies, became Latin colonists; Junian, because they **were free** under the Lex Iunia, even though they did not become **Roman citizens**. Hence the author of the Lex Iunia understood that the result would be that by this fiction, the property of deceased Latini would no longer belong to their patrons, for the reason that, as they did not die slaves, their estates could not belong to their patrons by the right of *peculium*; nor could the property of **a Latin freedman** belong to the patrons by the right of manumission, and he considered it necessary, in order to prevent the benefit granted to freed men from becoming an injury to their patrons, to provide that their property should revert to those who manumitted them, just as if this law had not been enacted; and, therefore, the property of Latins by this law belongs as it were by the right of *peculium* to those who manumit them.

In §3.56, for the first and only time Gaius employs the rather peculiar locution *libertus Latinus homo*,<sup>78</sup> instead of the *Latinus libertinus* used in §3.55 or the simple *Latinus* that can be found elsewhere in the *Institutes*, including the rest of this very same passage. Incidentally, this is also the first of a small number of passages where (male) Junian Latins are referred to as having *patroni* rather than just former owners or masters.<sup>79</sup> By mentioning the existence of *liberti Latini*, this passage seemingly conflicts with §1.35, according to which a Latin becomes '*ciuis Romanus et (...) libertus*' only if he acquires citizenship through iteration or by another way. This discrepancy was previously highlighted by a number of scholars, most notably by Buckland, who considered several different emendations of the Latin text in order to reconcile this passage with the accurate and coherent usage of the term *libertus* in the rest of the *Institutes*.<sup>80</sup> Since the publication of the 7<sup>th</sup> edition of the *Institutes* curated by Seckel and Kübler (1935), part of scholarship has accepted the idea that the '*Latini homini*' found in passage §3.56 is actually a gloss added in later time.<sup>81</sup> Thus, in those editions that accept this hypothesis, the emended section of passage §3.56 reads:

56. [...] legis itaque luniae lator cum intellegeret futurum, ut ea fictione res **Latinorum** defunctorum ad patronos pertinere desinerent, quia scilicet neque ut serui decederent, ut possent iure peculii res eorum ad patronos pertinere, neque <ut> **liberti** [Latini hominis] <ut> bona possent manumissionis iure ad patronos pertinere [...]

56. Now the author of the L. lunia, realizing that as the result of this fiction the estates of deceased **Latins** would no longer go to their patrons, because of course they would die neither as slaves, whose property would go to their patrons as peculium, nor as (citizens) **freedmen**, whose estates would go to their patrons by right of manumission [...]. (Translation De Zulueta 1946, 169).

According to this reconstruction, Gaius is here explaining that, because of the peculiar legal condition attached to Junian Latinity, the estate of Junian Latins (*Latini*) would not go to their patrons through the right of *peculium*, because they did not die as slaves (*serui*). However, the estate of a Junian Latin could neither be inherited by their former owner through the right of manumission, because Junian Latins did not die as *liberti* either – since the status of *libertus* was enjoyed only by those slaves who had been manumitted formally, and who were also endowed with citizenship. Thus, to

<sup>78</sup> In the genitive singular case; '*liberti Latini hominis*', in the original text.

<sup>79</sup> Cf. for example Gaius 1.35 and 1.166.

<sup>80</sup> Polenaar, Muirhead and Krüger offered a number of emendations to §3.56, which are discussed in Buckland 1923.

<sup>81</sup> For an example of scholars who accept this emendation, see De Zulueta 1946, Solazzi 1972, Nelson and Manthe 1992, 41, 104-5.

preserve the rights of the former owners, the legislator had to come up with a solution: for the purpose of inheritance, Junian Latins had to be considered as *if* they died as slaves.

It is evident that, if one accepts this reconstruction, the usage of terms *Latinus* and *libertus* shown in this passage falls in line with the use of the two terms that we have so far documented for the rest of the *Institutes* as well. However, I argue instead that the locution *libertus Latinus homo* can be aligned with the usage so far seen without resorting to any emendation: it is possible that, in employing this peculiar locution, Gaius is actually echoing the terminology of the Lex Iunia itself. Let us examine this passage more carefully.

According to Gaius, the author of the law was aware that, because of the fiction of Junian Latins being free just like those freeborn Roman citizens who had left the city of Rome for the Latin colonies, at the death of a Junian Latin their patron would end losing their inheritance rights. This would have had the consequence of the former owner being deprived of the right of *peculium*, since a Junian Latin was not a slave anymore, as well as of the right of manumission, because the Junian Latin would then be *equated* to a freedman who had acquired local citizenship in a Latin colony; as a consequence, the patron, who instead remained a Roman citizen, would not have been able to exercise the right of manumission over him anymore.<sup>82</sup> ‘*neque **liberti Latini (hominis)** bona possent manumissionis iure ad patronos pertinere.*’ Thus, for the purpose of inheritance the law had to be considered as if it had not been enacted at all, otherwise it would have caused harm to the rights of the former owners of Junian Latins.

It is quite clear that the Lex Iunia was not particularly straightforward, hence it is likely that the locution *libertus Latinus homo* is used in this passage to clarify better the technicalities of the law, and that it does not refer to Junian Latins, but rather to the aforementioned category of (freed)men endowed with *Latin citizenship* to whom they were *equated* by the Lex Iunia.<sup>83</sup> The existence of this category of ‘*Latini liberti*’ is

---

<sup>82</sup> In this particular sentence, I only use the masculine pronoun to refer both the Junian Latin and the patron, mainly to improve the readability of an otherwise fairly intricate sentence; however, the logic underlined in this passage applied to Junian Latin and former owners of either gender.

<sup>83</sup> It is important to stress that, in an earlier passage, 1.22, Gaius states that Junian Latins are called “Latins” because ‘[...] **adsimulati sunt** Latinis coloniariis [...]’: they were considered similar to *Latini coloniarii*, but they were **not** in possession of Latin citizenship, as instead argued by López Barja de Quiroga 1998, 146-7.

documented through other sources, and especially thanks to three chapters from the surviving fragments of the Lex Irnitana, which in turn is a local adaptation of the Lex Flauia Municipalis.<sup>84</sup> To be more specific, '*Latini liberti*' were those slaves of *Latini coloniarii* who, having been properly manumitted, acquired both freedom and the local citizenship of the civic community of Latin right to which their patron belonged, not dissimilarly to a *Roman* slave who became both '*ciuis Romanus et (...) libertus*' as the result of a formal manumission.<sup>85</sup> In the Lex Irnitana, this 'local' procedure of manumission and its outcome are illustrated in chapter XXVIII, which states that those slaves belonging to a *municipes* endowed with Latin citizenship who are formally manumitted in front of the *duoviri* are to be free just as '*optum[o] iure Latini libertini*' are.<sup>86</sup> The locution "optimo iure" – with the fullest right – does not leave any room for doubt that the *Latini libertini* mentioned in that chapter are in fact endowed with Latin citizenship.<sup>87</sup> But there is more, for chapter XXIII of the Lex Irnitana regulates a legal matter that has direct implications for the understanding of the Lex Iunia as presented by Gaius in §3.56. Thus, the Lex Irnitana declares that those *municipes* that became *ciues Romani* under the terms of the statute or thanks to an edict of the Emperors Vespasian, Titus and Domitian, were to keep their patronal rights over those of their *liberti* who did not acquire Roman citizenship, and remained therefore (*ciues*) *Latini liberti*: freedmen endowed with the municipal Latin status.<sup>88</sup> Similarly, chapter

---

<sup>84</sup> González 1986.

<sup>85</sup> Gaius 1.35.

<sup>86</sup> 'Si quis munic[eps] municipi Flauii Irnitani, qui Latinus erit, apud Ilui rum iure dicundo eius municipi, ser[u]um suum seruamue suam ex ser[ui]tute[m] in libertatem manumiserit, l[i]b[er]um liberamue e[s]se iusserit, dum ne quis pupillus neu[e] quae uirgo mulierue sine tutoris auctoritate quem quamue manumitt[a]t, liberum liberamue esse iubeat, qui ita manumissus liber[um]ue esse iussus erit, liber esto, quaeque ita manumissa liberaue esse ius[s]a erit, libera esto, uti qui optum[o] iure Latini libertini liberi sunt erunt, dum {i}is qui minor XX annorum erit ita manumittat, si causam manumittendi iustam esse is numerus decurionum, per quem decreta h(ac) l(ege) facta rata sunt, censuerit..' The text is that established by M. H. Crawford in González 1986: 156-57.

<sup>87</sup> However, F. Millar has argued against the existence of freeborn provincial *Latini* under the Empire. For his arguments, see Millar 1977: 630-35. See also Gardner 2001.

<sup>88</sup> 'Qui quaeue ex h(ac) l(ege) exue edicto imp(eratoris) Caesaris Vespasiani Aug(usti) imp(eratoris)ue Titi Caesaris Vespasiani Aug(usti) aut imp(eratoris) Caesaris Domitiani Aug(usti) ciuitatem Romanam consecutus consecuta erit, eis in libertos libertas suos suas paternos paternas{q}ue, qui quaeue in ciuitatem Romanam non uenerint, deque bonis eorum earum et is, quae libertatis causa impos]ita sunt, idem ius eademque condicio esto, quae esset, si ciuitate mutati mutatae non essent.' The text is that established in González 1986: 154; an addendum, clause XCVII (LXXXVII in the original text), states that Latin patrons that have not obtained Roman citizenship were to keep patronal rights over their *liberti* and *libertae* who had become Roman citizens as the result of their sons and husbands holding offices, just as if the freedmen had not undergone a change in citizenship: 'Qui libertini quaeue libertinae ex h(ac) l(ege) per honores liber{t}orum suorum aut uirorum ciuitatem Romanam consecuti consecutae erunt, in eos eas inque bona eorum earum is qui eos manumiserint, si non et ipsi



LXXXVII states that Latin patrons who did not acquire Roman citizenship were to retain their patronal rights over their *liberti* and *libertae* who had become Roman citizens as a consequence of the magisterial offices held by their sons and husbands, just as if their freedmen underwent no change in citizenship.<sup>89</sup> The fact that these legal matters are regulated by the Lex Irnitana seems to suggest that, if it had been left unaddressed, the discrepancy resulting from a patron acquiring Roman citizenship while his freedmen retained their Latin citizenship, or a freedman becoming a Roman citizen while his patron remained a Latin citizen, would have caused the former to lose his patronal rights over the latter. This is precisely the situation that Gaius highlights in §3.56 when stating that the author of the Lex Iunia decided that, for the purpose of inheritance, the law had to be considered as if it had not been enacted, otherwise a (Roman) patron would not have been able to inherit the estate of his Junian Latin, who was *considered*, when free, just like a (freed)man endowed with *Latin* citizenship.<sup>90</sup> This subtlety was in place because at the time of the Lex Iunia – which predates the Lex Flavia Municipalis by several decades – the estate of a freed slave who was not a Roman citizen simply could not belong to a Roman patron by right of manumission, ‘**neque liberti Latini hominis bona possent manumissionis iure ad patronos pertinere**’ – because the latter lacked patronal rights over the former as implied by the Lex Irnitana.

Moreover, the *Epistles* of Pliny offer yet further confirmation that a Roman citizen could not normally exercise patronal rights over a freed slave who was not in possession of the Roman franchise, and that action needed to be taken in order to preserve those rights. After he had recovered from a period of illness, Pliny wrote to the emperor Trajan to ask for a grant of citizenship for the relatives of Postumius

---

ciuitatem Romanam consecuti erunt, idem ius esto quod fuisset si ei eae ciues Romani Romanae facti factae non essent. Si ciuitatem Romanam patroni patronae consecuti consecutae erunt, idem ius in [eos] liberos easque liberta inque bona eorum earum esto, quod esset si a [ciui]bus Romanis manumissi {manumissa} manumissa essent.’ Again, the text is that established in González 1986: 181, but with a minor emendation.

<sup>89</sup> ‘Qui libertini quaeue libertinae ex h(ac) l(ege) per honores liber{t}orum suorum aut uirorum ciuitatem Romanam consecuti consecutae erunt, in eos eas inque bona eorum earum is qui eos manumiserint, si non et ipsi ciuitatem Romanam consecuti erunt, idem ius esto quod fuisset si ei eae ciues Romani Romanae facti factae non essent. Si ciuitatem Romanam patroni patronae consecuti consecutae erunt, idem ius in [eos] liberos easque libertas inque bona eorum earum esto, quodd esset si a [ciui]bus Romanis manumissi {manumissa} manumissae essent. [...]’

<sup>90</sup> The first to observe that what was discussed by Gaius in 3.56, concerning patrons losing their rights over freedmen who moved to Latin colonies, might be relevant to the matters regulated in clause XXIII of the Lex Irnitana was González 1986: 204, without, however, exploring the issue further.

Marinus, the *medicus* who had treated him during his recent infirmity. In his letter, Pliny took care to request that Chrysippus – Marinus' father – should not only be made a Roman citizen, but that he should also be given *patria potestas* over his other two sons, who are to become Roman citizen as well, and that they should retain the *ius patronorum* over their freedmen, who will remain peregrines.<sup>91</sup> Considering the evidence offered by Pliny, and especially by the Lex Irnitana, it is clear that the Lex Iunia contemplated a legal 'workaround' that allowed former masters to retain their patronal rights over manumitted slaves who were now free, but not in possession of Roman citizenship. Gaius demonstrates that he is well aware of the technicalities of the Lex Iunia, and it is evident that he employed the locution '*libertus Latinus homo*' to explain to his readers why the law had to be considered as if it had not been enacted at all, for the purpose of inheritance. Therefore, albeit in a rather intricate way, the use by Gaius of the term *libertus* in this passage is coherent with the usage documented in the rest of the *Institutes*: it is clear that '*libertus Latinus homo*' does *not* refer to Junian Latins, but rather to the freedmen endowed with Latin citizenship to whom they were *equated* in the Lex Iunia.

Despite its intricacies, §3.56 merely serves the purpose of laying down for the reader the fundamental logic behind the rules which regulated the inheritance of the estate of a Junian Latin. As a result, §§3.57 to 3.76 of the *commentarius tertius* are dedicated to describing in more detail the differences between the estates of Junian Latins and freedmen endowed with Roman citizenship, and can shed further light on the meaning associated with the different terms employed by Gaius. Again, like those concerning the estates of *liberti*, which I have discussed earlier on, these passages cover a number of exhaustive dispositions that, while fundamental for understanding more fully Junian Latinity, are of no particular interest for the aims of this chapter. Therefore, I have selected only the passages that I consider the most relevant to the study of the usage of the legal terminology concerning freedom and citizenship:

57. Unde accidit, ut longe differant ea iura, quae in bonis **Latinorum** ex lege Iunia constituta sunt, ab his, quae in hereditate **ciuium Romanorum libertorum** obseruantur.

---

<sup>91</sup> Plin. *Ep.* 10.11 '[...] item liberis eiusdem Chrysippi, Epigono et Mithridati, ita ut sint in patris potestate utque iis in liberos servetur ius patronorum. [...]'. The wording of the letter is slightly ambiguous, and the pronoun *iis* might equally refer either to Epigonus and Mithridates alone or, more probably (and more logically), to Chrysippus and his two sons both.

57. So it happens that the rules applied to the property of **Latins** under the Lex Iunia differs greatly from those observed in reference to the inheritance of **freedmen who are Roman citizens**.

58. Nam **ciuis Romani liberti** hereditas ad extraneos heredes patroni nullo modo pertinet; ad filium autem patroni nepotesque ex filio et pronepotes ex nepote <filio nato prognatos> omni modo pertinet, etiamsi <a> parente fuerint exheredati; **Latinorum** autem bona tamquam peculia seruorum etiam ad extraneos heredes pertinent et ad liberos manumissoris exheredatos non pertinent.

58. Indeed the inheritance of a **freedman who is a Roman citizen** will by no means belong to the extraneous heirs of his patron; but it will by all means belong to the son of the patron, and to his grandsons by a son, and to his great-grandsons by a grandson, even if they have been disinherited by their father. However, the estates of **Latins** will pass to the extraneous heirs (of the patron) just as the *peculium* of slaves, and will not belong to the disinherited children of the person who manumitted them.

59. Item **ciuis Romani liberti** hereditas ad duos pluresue patronos aequaliter pertinet, licet dispar in eo seruo dominium habuerint; bona uero **Latinorum** pro ea parte pertinent, pro qua parte quisque eorum dominus fuerit.

59. In the same way, the estate of a **freedman (who is a) Roman citizen** belongs in equal parts to two or more patrons, even if they may have had unequal shares in him as a slave; but the estate of **Latins** belongs to them according to the shares which each one owned in him when he was his master.

72. Aliquando tamen **ciuis Romanus libertus tamquam Latinus moritur**, uelut si **Latinus** saluo iure patroni ab imperatore **ius Quiritium** consecutus fuerit. nam, ut diuus Traianus constituit, si **Latinus** inuito uel ignorante patrono ius Quiritium ab imperatore consecutus sit, quibus casibus, dum uiuit iste **libertus**, ceteris **ciuibus Romanis libertis similis est** et iustos liberos procreat, moritur autem **Latini** iure, nec ei liberi eius heredes esse possunt; et in hoc tantum habet testamenti factionem, ut patronum heredem instituat eique, si heres esse noluerit, alium substituere possit.

72. Sometimes, however, a **freedman who is a Roman citizen dies as if a Latin**; for example, if a **Latin** has obtained **the right of Roman citizenship** from the Emperor, save for the rights of his patron. For the Divine Trajan decided that if a **Latin** obtained the right of Roman citizenship from the Emperor without the knowledge or against the will of his patron, in these cases, while this **freedman** lives he **resembles the other Roman citizen freedmen**, and can father lawful children, but he will die according to the **Latin** right, and his children cannot become his heirs; and he has the capacity of making a will as to appoint his patron his heir and, if the patron refuses to become heir, he can substitute him with someone else.

In these passages, as in others not here discussed,<sup>92</sup> it is apparent that Gaius always employs the simple term *Latinus* to refer to Junian Latins,<sup>93</sup> consistent with the terminology he uses in the rest of the *Institutes*. Although the term *libertus* also appears in some of these passage, it is never associated with Junian Latinity: in this context, *liberti* are only those freed slaves who are *ciues Romani*, whose inheritance laws are compared to those of Junian Latins. As we have seen in the earlier passages – and especially in those of the first two *commentarii* – the term *libertus* on its own consistently refers to a manumitted slave who is in possession of Roman citizenship; yet, in the excerpts discussed here, the meaning associated with the term *libertus* is made even more apparent by adopting the locution '*ciuis Romanus libertus*'. Considering how this locution can only be found in those passages which compared the inheritance of the estate of Junian Latins (and *dediticii*) to that of manumitted individuals endowed with Roman citizenship, it can be suggested that Gaius employed it to ensure that the topic he was discussing was more immediately accessible even to his less trained readers. This is particularly obvious in §3.72, where it is highlighted how a Latin who has been granted the *ius Quiritium saluo iure patroni* by the emperor effectively becomes a (*ciuis Romanus*) *libertus* – up to the point of fathering legitimate, freeborn sons and daughters endowed with Roman citizenship – yet in death reverts to being a *Latinus*.

Finally, still in the *commentarius tertius*, in the opening of §3.64, we find the only occurrence of the locution '*ciuis Romanus libertinus*', which is used to refer to manumitted slaves endowed with Roman citizenship, as opposed to the simple term *libertus* found in the rest of the *Institutes*, or the locution '*ciuis Romanus libertus*' discussed above.

64. Quo senatus consulto quidam id actum esse putant, ut in bonis **Latinorum** eodem iure utamur, quo utimur in hereditate **ciuium Romanorum libertinorum**. idque maxime Pegaso placuit; quae sententia aperte falsa est. nam **ciuis Romani liberti** hereditas numquam ad extraneos patroni heredes pertinet; bona autem **Latinorum** etiam ex hoc ipso senatus consulto non obstantibus liberis manumissoris etiam ad extraneos heredes pertinent. item in hereditate **ciuis Romani liberti** liberis manumissoris nulla exheredatio nocet, in bonis **Latinorum** nocere nominatim factam exheredationem ipso senatus consulto significatur. uerius est ergo hoc solum eo senatus consulto actum esse, ut manumissoris liberi, qui nominatim exheredati non sint, praeferantur extraneis heredibus.

---

<sup>92</sup> Gaius 3.60-71, 3.73-76.

<sup>93</sup> Gaius 3.64.

64. The result of which *senatus consultum* some think to be that we apply the same rules to the estate of **Latins** that we apply to the inheritance of **freed persons (who are) Roman citizens**: and this was most strenuously maintained by Pegasus. But his opinion is plainly false. For the inheritance of a **freedman (who is a) Roman citizen** never belongs to the extraneous heirs of his patron: whilst the estate of Latins, even by this *senatusconsultum*, belong to extraneous heirs as well, if no children of the manumittor be a bar. Likewise, in regard to the inheritance of a **freedman (who is a) Roman citizen** no deherison is of prejudice to the children of the manumittor, whilst in regard to the estate of **Latins** it is stated in the *senatus consultum* itself that a deherison expressly made does prejudice. It is more correct, therefore, to say that the only effect of this *senatusconsultum* is that the children of a manumittor who are not expressly disinherited are preferred to the extraneous heirs.<sup>94</sup>

Yet, consistent with the usage documented at §3.50, which I have examined earlier on, the locution '*ciuis Romanus libertinus*' represents a mere instance of stylistic *variatio*; this is further confirmed by the fact that, for the rest of §3.64, Gaius then adopts the more familiar locution '*ciuis Romanus libertus*'. Again, the terminology is consistent with the use documented in the rest of the *Institutes*: *libertinus* carries a more general meaning which simply denotes freed condition, and which can be irrespectively applied to the three different categories of manumitted slaves, including those endowed with Roman citizenship.

Having discussed at length the third book, and especially the passages related to the estate of freed individuals, it remains to examine the *commentarius quartus*, which focuses on legal procedure. Here, the term *libertus* occurs only five times: four times in §§4.44-46, dedicated to discussing the formula of *intentio*, and those formulas used when patrons are brought to court by their freedman for reasons contrary to the Edict of the Praetor; and once in §4.162, concerning interdicts for restitution. While Gaius does not indicate explicitly that the *liberti* mentioned in these passages were indeed *ciues Romani*, nothing suggests that these dispositions could also affect Junian Latins and *dediticii*. Thus, there is no evidence that, in the *commentaries quartus*, the term *libertus* was used to refer to all categories of manumitted slaves, in a manner similar to the more generic term *libertinus*.<sup>95</sup> Therefore, these passages do not contradict the

---

<sup>94</sup> Translation by Abdy and Walker 1885, 201, with modifications.

<sup>95</sup> Since Junian Latins (and *dediticii*) lacked full legal capacity, it is not clear whether the *formulae* discussed by Gaius in §§4.44-6 also applied to them, when they were summoned in court for a *legis actio*. However, even in the event that they did, it is worth nothing that, according to Gaius, whenever a *peregrinus* sued or was sued in those cases regulated by Roman law, fictitious Roman citizenship was attributed to him, for the purposes of the *legis actio*: 'Item ciuitas Romana peregrino fingitur [...]'. (Gaius 4.37) It follows that, if the *formulae* discussed by Gaius in relation to the *leges actiones* also applied to Junian Latin and *dediticii*, for the purposes of the whole process of *legis actio* they would in any case have been

general usage of the term documented in the rest of the *Institutes*, where *libertus* always equates to *ciuis Romanus libertus*.

To sum up. A careful, content-sensitive comparison of the different passages of the *Institutes* related to manumitted slaves has shown that, for Gaius, the terminology adopted to indicate freed individuals carried a nuanced yet very specific legal meaning, and that the four fundamental '*termini technici*' were arranged according to a two-tier hierarchy. On a first and more general level, *libertinus* simply indicated the condition of those who had been manumitted from legal slavery, and applied to all freed individuals, irrespective of the modality through which they had acquired freedom; accordingly, it is also the first of these four terms that we encounter in the *Institutes*, in §1.10. On a more particular level, the terms *libertus*, *Latinus* and *dediticius* each identified a well-defined category of manumitted slaves; importantly, it is evident from numerous passages that, in the *Institutes*, *liberti* are only those freed individuals who have acquired (Roman) citizenship, either as a result of formal manumission, or through alternative means.<sup>96</sup>

Given its more general nature, throughout the *Institutes* the term *libertinus* is primarily employed in those passages illustrating provisions that applied to all manumitted slaves, such as the *ius quattuor liberorum*;<sup>97</sup> yet, the broader meaning associated with that term also allowed for a degree of stylistic *variatio* to be incorporated in Gaius' work. As a result, in a few passages related to freed slaves who have the capacity to make a will, and who must necessarily have been Roman citizens, the term *libertinus* replaces *libertus* without affecting the discussion of those specific legal provisions, nor confusing the readers. However, not all sections of the *Institutes* were equally straightforward; and, more in general, Gaius' 'handbook' was probably aimed at a wider readership, which must have included users who were not primarily educated in the intricacies of Roman law.<sup>98</sup> Therefore, in a few selected passages, the four main

---

considered as if being Roman citizens. Hence, the term *libertus* would still have been applicable to them, albeit in a limited and fictitious way, without contravening the usage documented in the rest of the *Institutes*, where *liberti* are only manumitted slaves in possession of Roman citizenship. A similar reasoning can be applied to §4.162. For an overview of the legal capacity of Junian Latins (as reconstructed by scholarship), see generally Buckland 1908.

<sup>96</sup> Gaius 1.28-35.

<sup>97</sup> For example, Gaius 1.194.

<sup>98</sup> On the topic of the readership of Gaius, see the study of Wibier, who argued that the wide circulation of the *Institutes*, suggested by excerpts found in a papyrus from Oxyrhynchus and in other *folia* from Egypt, might indicate a large readership, and that the text was primarily educational in nature: Wibier 2014: 356-72, and especially 371.

terms related to freed slaves are replaced by longer locutions, which probably served the purpose of making legal matters more intelligible for the readers. Thus, in §3.55, which introduces the section dedicated to the estate of Junian Latins, Gaius specifies that he is going to discuss matters related to '*Latini libertini*', likely to indicate without any hint of doubt that he is referring to those Latins who are manumitted slaves, and not to the *other* Latins, the *Latini coloniarii*, who are mentioned elsewhere in the *Institutes*.<sup>99</sup> Similarly, in the subsequent passage, Gaius adopts the locution '*libertus Latinus homo*' to refer in a very clear way to those freedmen endowed with Latin citizenship to which Junian Latins were equated by the Lex Iunia.<sup>100</sup> Finally, in the section dedicated to comparing the laws regarding the inheritance of the estate of Junian Latins to those that regulated the estate of manumitted slaves in possession of Roman citizenship, Gaius often refers to the latter category as '*ciues Romani liberti*'. Again, this locution is likely employed to make the comparison more accessible to the readership, even if – from a legalistic point of view – the simple '*liberti*' would probably have sufficed. While certainly useful, it is evident that these locutions merely clarify in greater detail the nature of the four 'basic' terms *libertinus/libertina*, *libertus/liberta*, *Latinus/Latina* and *dediticius/dediticia*, without affecting in any way their core legal meaning.

In conclusion, we can say that the language adopted in the *Institutes* reveals that, at the time when Gaius was writing, the terms *libertus* and *libertinus* were not considered synonyms; and while the latter could be applied to each freed individual irrespectively of their legal condition, the former only identified those manumitted slaves who were endowed with citizenship, and especially the Roman franchise. While free, both Junian Latins and *dediticii* lacked citizenship: accordingly, Gaius never refers to them as *liberti*. It could be argued that the neat distinction here proposed for the text of Gaius is not born out by later sources, questioning the very distinction. Indeed, it is even possible to suggest that (near) contemporaries of Gaius, like Ulpian and Papinian, utilised a less stringent terminology: some of their writings surviving in later compilations, such as the *Epitome* of Ulpian and the *Fragmenta Vaticana*, and might document a more varied legal terminology. Yet, as it is well-known, these excerpts are not actually the contemporary texts that they appear to be at first sight; instead, we need to take account of the fact that they have been, as mooted, transmitted to us

---

<sup>99</sup> For example, in Gaius 1.79, where Latin citizens are mentioned when discussing the technicalities of the Lex Minicia.

<sup>100</sup> Gaius 3.56.

either through the mediation of the *Digest* where they are often manipulated,<sup>101</sup> or in post-classical corpora compiled by anonymous authors.<sup>102</sup> This is not the place to discuss the issues concerned with the textual transmission in general, and the question of the authenticity of texts included in (and often adapted for) the *Digest* in particular. Rather, what I have been trying to offer in this first chapter part is a content-sensitive reading of the relevant passages in a legal text that stems *clearly* from the 2<sup>nd</sup> century AD. Thus, I have withstood the temptation to use a ‘mechanical’ reading – i.e. one that essentially starts from a pre-defined meaning of a particular term, which is then used to identify patterns in the surviving sources, and that forces those sources into a particular place. Instead, my analysis has shown that it is essential to read each text in its own right, and to interpret each text as the product of a single author – a technique widely used and in fact standardly applied in the field of classical studies, but less so in the field of ancient historical studies, and in ancient juridical ones. Whatever later (or indeed other) texts may suggest regarding the usage of the four ‘*termini technici*’ related to freed slaves, how *Gaius* uses those terms must be established from *his* writings, and not externally through the lens of other texts. This is particularly important when considering that those other texts are – as widely acknowledged – subject to later manipulation and interpolation, and might in fact be no longer identical with the original ones that were contemporary to the writings of *Gaius*. What we lose when we apply such a ‘mechanical’ reading to the *Institutes* of *Gaius* has been shown in this chapter part, by offering a new perspective on this particular source.

It is also important to remember that the Romans themselves recognized the changing nature of language, and that they were capable of exploiting such linguistic changes for their own purposes, thereby creating – for us – even greater interpretative challenges, which can only be mastered through the kind of content-sensitive approach here mustered. For instance, according to *Suetonius*, during the middle Republic the term *libertinus* had indicated the sons and daughters born to a freed individual.<sup>103</sup> Yet, even if *Suetonius* does not state it openly, at the latest by the time

---

<sup>101</sup> Buckland 1924; Jolowicz 1932, 484-505. For a more recent analysis of interpolations in the *Digest*, see Johnston 1989.

<sup>102</sup> On the sources and authors of the post-classical compilations, see Buckland 1931; Jolowicz 1932; Schiller 1978; Robinson 1997. For the *Epitome* of *Ulpian*, see Mercogliano 1997; Avenarius 2005; Mattioli 2012a and 2012b: For the *Pauli Sententiae*, see: Levy 1945; Ruggiero 2012; For the *Fragmenta Vaticana*: Mommsen 1860 and 1890; De Filippi 1998.

<sup>103</sup> Suet. *Claud.* 24.



of Claudius – but likely much earlier –<sup>104</sup> the term had lost its original meaning, and it had come to indicate a freed slave. Playing on the new meaning that the term had acquired by his time, Claudius was able to ‘forge’ an historical precedent that could justify his decision to bestow the dignity of senator to the son of a freedman, by claiming that his ancestor Appius Claudius Caecus had famously admitted ‘libertinorum filios’ into the Senate.<sup>105</sup> Similarly to how the meaning associated with the term *libertinus* shifted over time, the usage of the other termini ‘*termini technici*’ related to manumitted slaves is likely to have changed also over time, after the publication of the *Institutes* of Gaius. This, too, needs to be accounted for when comparing Gaius’ text with seemingly contemporary passages that have, however, been readied for publication in the 6<sup>th</sup> century AD, for a 6<sup>th</sup> century audience. As things stand, the writings of Gaius are the only extensive source at our disposal to tackle and analyse the legal usage and understanding of the terms of interest here, in a single author and over a significant amount of text. It is also the only text of this nature that is then, actually, contemporary with other bodies of evidence that document the imperial usage and understanding of the four libertine ‘*termini technici*’. Indeed, while we cannot – for reasons just noted – compare the text of Gaius with contemporary legal texts, the very same patterns of use of the different ‘*termini technici*’ documented in the *Institutes* can be found in two other sources closer to his time, both related to some of the Junian Latins known to scholarship and mentioned earlier: the *Epistles* of Pliny, and the ‘Album of Herculaneum’. It is the task of the next chapter part to explore, then, the usage of the four terms in these bodies of evidence. As will be seen, such an analysis strengthens what has been suggested in the present chapter part, thereby contextualising and supporting further what has been argued a moment ago regarding the difficulties involved with the ‘mechanical’ reading of classical sources through the lens of texts subject to later manipulation. All that said, as we will see in a later chapter part, there was in fact a historical change that affected legal conditions throughout the Empire, thereby in any case removing the usages of the jurists active in the mid and later 3<sup>rd</sup> century AD from the scope of the present study, for a very clear reason. First, however, Pliny.

---

<sup>104</sup> Suet. *Claud.* 24 ‘[...] ignarus temporibus Appi et deinceps aliquamdiu libertinos dictos non ipsos, qui manu emitterentur, sed ingenuos ex his procreatos [...]’.

<sup>105</sup> Suet. *Claud.* 24 ‘[...] ac sic quoque reprehensionem uerens, et Appium Caecum censorem, generis sui proauctorem, libertinorum filios in senatum adlegisse docuit [...]’. For a thorough analysis of this passage of the Life of Claudius, and of the meaning associated to the term *libertinus* in mid-Republican times, see Haley 1986, 115-21.

### III *Latini* and *libertini* in the *Epistles* of Pliny the Younger

At some point during the third year of his tenure as *legatus* in Bithynia,<sup>106</sup> Pliny wrote to the emperor Trajan to petition for a grant of Roman citizenship to three men of freed condition who had come under his patronage, Astraeus, Dionysius and Aper.<sup>107</sup> The letter is of paramount importance for the present study; its relevance is two-fold: not only is it one of the few surviving sources obviously related to Junian Latinity, its language also conforms to the usage of the different '*termini technici*' documented in the *Institutes* of Gaius. Let us take a closer look at the letter itself.

CIV C. PLINIUS TRAIANO IMPERATORI

Valerius, domine, Paulinus excepto Paulino **ius Latinorum suorum mihi reliquit; ex quibus** rogo tribus interim ius Quiritium des. Vereor enim, ne sit immodicum pro **omnibus** pariter invocare indulgentiam tuam, qua debeo tanto modestius uti, quanto pleniorum experior. Sunt autem pro **quibus** peto: C. Valerius Astraeus, C. Valerius Dionysius, C. Valerius Aper.

Valerius Paulinus, Sir, having passed over his son Paulinus, (in his will) **has bequeathed to me his right over his Junian Latins**. I ask you to confer the rights of citizenship on three of **them** in the meantime, for I fear that it may be going too far to invoke your generosity on behalf of **all of them**. I must exploit that generosity all the more moderately as I experience it more fully. **Those** for whom I entreat it are C. Valerius Astraeus, C. Valerius Dionysius, and C. Valerius Aper.<sup>108</sup>

As we can see, the three men had originally been freed (informally) by Paulinus, alongside other individuals who are not mentioned in the letter. After his death, Paulinus had left his right of patronage over these Junian Latins to Pliny, passing over his own homonymous son. It is important to highlight that the individuals manumitted by Paulinus are never labelled as *liberti*, and that their condition of *Latini Iuniani* is conveyed in a rather convoluted way, by mentioning the '*ius Latinorum*' which Paulinus had exercised over them, and which Pliny had later inherited. Furthermore, the language adopted by Pliny in his petition to Trajan appears to be equally ruled by a careful choice of terminology, since Pliny asked the emperor to confer upon three of these *Latini* (presumably the most deserving ones) the *ius Quiritium*, and not *ciuitas Romana*.<sup>109</sup> Once again, Pliny's choice of language appears to be in line with the terminology that Gaius will adopt a few decades later in writing the sections of the

---

<sup>106</sup> The overall chronology of the letters sent by Pliny to Trajan has been reconstructed by Sherwin-White 1966, 529-33.

<sup>107</sup> Plin. *Ep.* 10.104.

<sup>108</sup> Translation by Walsh 2006, 281 (with modifications).

<sup>109</sup> Pliny has asked for *ciuitas Romana* for a number of other individuals, who were *peregrini*: Plin. *Ep.* 10.5; 10.11.

*Institutes* dedicated to discussing Junian Latinity. In particular, the letter offers an interesting parallel with §1.32b of the *Institutes*, in which we are reminded that those Junian Latins who ‘*ius Quiritium adipiscuntur [...] fiunt ciues Romani*’. Pliny’s petition was accepted by Trajan, who sent him a letter in response, which is unfortunately rather concise and does not provide any further insight into Junian Latinity. Yet, it is important to highlight that even the wording used by the emperor to refer to the Junian Latins who had come under Pliny’s patronage is deliberately opaque: they are collectively indicated as ‘*iis, qui apud fidem tuam a Valerio Paulino depositi sunt*’.<sup>110</sup> Together, the two letters offer yet another powerful indication that the term *libertus* was conscientiously avoided when referring to Junian Latins, following the same practices attested in the *Institutes* of Gaius.

But the correspondence of Pliny has more in store for the present investigation. While the letter discussed above is the only one to record the names of some Junian Latins clearly, informally manumitted slaves – who must have shared the same legal condition of Astraeus, Dionysius and Aper – are mentioned in two other epistles sent by Pliny to his acquaintances and relations. Writing to his grandfather-in-law Fabatus, Pliny mentioned that his friend Calestrius Tiro had recently been nominated *proconsul* for Baetica, and that he was going to travel through Ticinum to reach the Hispanic provinces.<sup>111</sup> Since Pliny and Tiro enjoyed a close relation, he added that Tiro could be persuaded to diverge from his journey and visit Fabatus, who lived around Comum, if he wanted to manumit formally those slaves whom he had recently freed only in an informal way. As a *proconsul*, Tiro was in possession of *imperium*, which was a requirement to carry out *manumissio uindicta*.<sup>112</sup> It is interesting to see how Pliny refers to Fabatus’ freed slaves, who must have been Junian Latins, as ‘*quos proxime inter amicos manumisisti*’; once more, informally manumitted slaves are never identified linguistically as *liberti*. In a similar way, Pliny adopted an equally vague language in a letter he sent to his friend Paternus, in which he wrote how he had been saddened by the recent death of some of his slaves, who had died while still young.<sup>113</sup> There were, however, two small consolations in their fate: the first, that Pliny had managed to free them before their death, presumably in an informal way; the second,

---

<sup>110</sup> Plin. *Ep.* 10.105.

<sup>111</sup> Plin. *Ep.* 7.16. Sherwin-White argues that Tiro had taken the longer *via Aemilia*, instead of the shorter coastal route (the *via Aurelia*) because he was no particular hurry, since he also planned on stopping at Mediolanum, as implied by *Ep.* 7.23: Sherwin-White 1996, 420.

<sup>112</sup> Gaius 1.20.

<sup>113</sup> Plin. *Ep.* 8.16.

that he allowed his *serui* to make wills that he carried out as if legally binding, provided that the beneficiaries were other members of his *familia*.<sup>114</sup> Although the language of the letter is ambiguous, the fact that Pliny considered the will of those individuals whom he had manumitted as *if* the documents were legally binding suggests that they had been freed informally, since Junian Latins, as noted above, lacked the legal capacity of making lawfully recognised wills. Once again, those slaves whom Pliny had managed to manumit before their death, who were likely Junian Latins, are not labelled as *liberti*, but rather with a simple possessive pronoun '*mei*', which mirrors the '*su*' used to refer to the Junian Latins who had belonged to Paulinus.<sup>115</sup> On the other hand, the *Epistles* mention several *liberti* and *libertae*, some even belonging to Pliny's own *familia*; and while it is not possible to reconstruct the legal status of each of those individuals,<sup>116</sup> many of them seem to have been clearly in possession of Roman citizenship, while none can be identified as a Junian Latin.<sup>117</sup> For example, there can be little doubt that Eurythmus, whom Pliny refers to as 'Caesaris libertus and procurator' had been endowed with Roman citizenship.<sup>118</sup> In a similar way, we should expect two other *liberti* of Trajan, Maximus and Lycormas, to have been manumitted formally: the former is styled by Pliny as *procurator* on several occasions,<sup>119</sup> while the latter was involved with the diplomatic legation from the Bosporan Kingdom, which visited Bythinia when Pliny was governing the region as *legatus*.<sup>120</sup> In another letter, recalling the details of one of his older cases, Pliny wrote that some unnamed *liberti*, whom he had defended, had been accused by their patronus' mother of having poisoned her son and forged a will in which they had been nominated as co-heirs to his estate.<sup>121</sup> The term *libertus* also occurs several times in a letter in which Pliny criticises harshly the honours bestowed by the Senate upon Pallas, imperial freedman and secretary to the emperor Claudius, who must have

---

<sup>114</sup> Plin. *Ep.* 8.16: '[...] unum facilitas manumittendi (videor enim non omnino immaturos perdisse, quos iam liberos perdidit), alterum quod permitto servis quoque quasi testamenta facere, eaque ut legitima custodio.

<sup>115</sup> Plin. *Ep.* 10.104.

<sup>116</sup> Plin. *Ep.* 2.6; 2.11; 4.11; 7.11; 8.14; 9.21; 9.24; 9.34.

<sup>117</sup> Plin. *Ep.* 10.5, in which Pliny asks Trajan for a grant of the *ius Quiritium* to the *libertae* of Antonia Maximilla, Hedia and Harmeris, will be excluded from the present study, as it will be examined extensively in Chapter II. As it will become apparent, I argue that the two women were not *Latinae Iunianae*, but rather *Latinae libertae*, formally manumitted slaves in possession of Latin citizenship.

<sup>118</sup> Plin. *Ep.* 6.31

<sup>119</sup> Plin. *Ep.* 10.27; 10.28, 10.85; moreover, in Plin. *Ep.* 10.84, Trajan identifies as his *libertus* and *procurator* even a man named Epimachus.

<sup>120</sup> Plin. *Ep.* 10.63; 10.67.

<sup>121</sup> Plin. *Ep.* 7.6.

been a Roman citizen.<sup>122</sup> Finally, it is reasonable to suggest that two other *liberti* of Pliny might have been manumitted formally, and thus that they had been in possession of Roman citizenship. The first, Hermes, was acting on Pliny's behalf in selling lands which he had co-inherited, and later collected the hefty sum of 700.000 sesterces, which Pliny had gained from the sale.<sup>123</sup> The other, Zosimus, was held in such esteem and affection by Pliny that he had been sent first to Egypt, and then to Forum Iulii, in the hope that he could recover from his ill-health, presumably at Pliny's own expenses.<sup>124</sup> Considering how Pliny had petitioned the emperor to grant the *ius Quiritium* to three of the Junian Latins who had only recently come under his patronage, it seems implausible that he would have purposely left his agent and one of his favourites in a less advantageous legal condition such as Junian Latinity.

Although Pliny was not a *iurisconsultus*, he had long practised the profession of advocate, as we are reminded in his *Epistles*,<sup>125</sup> and he had been part of the *consilium principis* of Trajan for three years, before being sent to govern Bithynia as *legatus*.<sup>126</sup> Given his background, there can be little doubt that Pliny was well aware of the linguistic finesse employed by jurists when discussing the different categories of freed slaves. Therefore, the nuanced language that he himself had adopted in the *Epistles* to discuss matters related to Junian Latins, and his consistent use of the term *libertus* when referring to manumitted individuals endowed with Roman citizenship, both provide important confirmation of the usage of the different terms related to freed slaves documented in the *Institutes* of Gaius. More importantly, the letters of Pliny – and the occasional responses of Trajan – demonstrate that the meaning associated with the different '*termini technici*' was not relegated only to juridical parlance, and that a linguistic distinction between the various categories of freed slaves was documented even outside of legal writings. Therefore, even if they only provide us with the point of view of a learned man who belonged to the governing class, the *Epistles* of Pliny still offer a confirmation that the usage of the term *libertus* attested in the *Institutes* of Gaius might have been relatively common. Indeed, as Lavan has recently shown, the language adopted by Pliny was *typical* of imperial correspondence: it follows that we can generalise from this *particular* correspondence

---

<sup>122</sup> Plin. *Ep.* 7.29.

<sup>123</sup> Plin. *Ep.* 7.11

<sup>124</sup> Plin. *Ep.* 5.19.

<sup>125</sup> Plin. *Ep.* 2.14; 5.13; 7.6.

<sup>126</sup> Plin. *Ep.* 4.31; 6.31; On the *consilium principis* of Trajan, see Tissoni 1965, and Tuori 2016; See also Sherwin-White's commentary to Pliny's letters: Sherwin-White 1966.

the Roman (elite) usages at large.<sup>127</sup> It is furthermore worth pointing out in this context that Gaius' textbook is precisely that: a commentary on Roman legal *practices*. In other words, by its very nature, Gaius would have sought to sum up and expand *existing* knowledge, and that what we can observe in Pliny belongs to the pool of material that constituted sources for Gaius, broadly speaking. If Pliny used the terms in question in the way he did, Gaius' own usage become even more intelligible. If that is right, it is not only possible, but in fact likely, that that the very same usage might be found even in the larger body of the surviving documentary evidence, and especially in Latin inscriptions.

#### IV *Latini Iuniani* in Latin inscriptions

One of the few Junian Latins known to scholarship is documented epigraphically: Lucius Venidius Ennychus from Herculaneum, briefly mentioned earlier. Although the details regarding his manumission are obscure, three distinct documents inscribed on *tabulae ceratae* indicate that he had acquired Roman citizenship only after a long process of *anniculi probatio*, which concluded in AD 62, when the *praetor* Lucius Servenius Gallus recognised him, his wife and his daughter as *ciues Romani*.<sup>128</sup> It is interesting to observe that in those three *tabulae ceratae*, like in the rest of the surviving documents which belonged to his private archive, Ennychus is never qualified as *libertus*, and the name of his former owner is never disclosed.<sup>129</sup> The majority of the documents in which the name of Ennychus appears predate his acquisition of Roman citizenship in AD 62,<sup>130</sup> and thus the omission of the term *libertus* might be a reflection of his condition of Junian Latin. However, it should be noted that the inclusion of status indicators such as filiation, libertination and the record of the voting tribe is not always consistent in private documents,<sup>131</sup> or in the signature of those who act as witnesses to contracts and legal acts.<sup>132</sup> For this reason, the evidence offered by Ennychus' private archive does not necessarily provide

---

<sup>127</sup> Lavan 2018, 280-301.

<sup>128</sup> AE 2006, 305; Camodeca 2006a; Camodeca 2016.

<sup>129</sup> AE 2000, 335; 334; AE 2002, 340; 341; AE 2006, 304; 306. See also Camodeca 2016.

<sup>130</sup> With the exception of AE 2000, 335 (dated AD 69) and AE 2006, 334 (dated AD 66).

<sup>131</sup> For reference, see the inconsistent inclusion of status indicators in the vast archive of the Sulpicii: Bove 1994; Camodeca 1992 and 1999.

<sup>132</sup> For reference, see two military diplomas, CIL XVI, 7 (dated AD 68) and 15 (dated AD 71). Some of the signatures in the first diploma include filiation and the record of the voting tribe of the witness, while both elements are absent from all the signatures in the second one.

confirmation that Junian Latins lacked the legal requirements needed to be qualified as *liberti*, except perhaps for the *tabulae ceratae* related to his procedure of *anniculi probatio*, which should be considered official documents. Yet, Ennychus appears also in another important (and puzzling) inscription, the so-called Album of Herculaneum, which records the name of several hundred men of different statuses.<sup>133</sup> Some of the names listed in the Album belonged to freeborn individuals, as suggested by the presence of their filiation and voting tribe in their onomastic record; other individuals were of freed condition, and included their libertination in their names; others still, like Lucius Venidius Ennychus, had only their *tria nomina* recorded, without any indication of their status. The scholarly debate on the nature of the Album of Herculaneum is rich and still ongoing, and no consensus has been reached on who might have commissioned the inscription, and especially what purpose it might have served.<sup>134</sup> However, it is still important to highlight that the name of Lucius Venidius Ennychus, a known Junian Latin, appears without libertination in an inscription which was certainly on public display, and which must have been subject to considerable formal control. In other words, the absence of libertination in his onomastic record cannot have been the result of Ennychus' own choice, perhaps in an attempt to conceal his freed status (a favoured modern theory, as briefly noted earlier), especially considering how the Album lists the names of more than two hundred individuals who are identified as *liberti*. Rather, the structure and content of the Album suggests that those who had commissioned the inscriptions had been aware that Lucius Venidius Ennychus, being a Junian Latin, could not be identified as a *libertus*, since he lacked Roman citizenship. The same reasoning probably applied also to some of the other men who appear in the Album as *incerti*, individuals whose legal status is undisclosed.<sup>135</sup> The Album predates the *Institutes* of Gaius by several decades – if not of over a century; yet, there is a noticeable parallel, I argue, in the way both documents avoided using the term *libertus* in relation to Junian Latinity, which corroborates the view proposed above that Gaius was documenting a common practice, and not a merely theoretical difference of interest only to jurists in the status

---

<sup>133</sup> CIL XIV, 1403a-I + AE 1978, 119a-d; AE 1992, 286a-d, with an 'L. Venidius Ennychus' named at AE 1978, 119b, col. I, line 13. The date of the document is uncertain, in the absence of any clear dating element: surely it must be earlier than the eruption of the Vesuvius of AD 79, and at least part of the *Album* – which was likely inscribed over a prolonged time – might be earlier than AD 62, the year of the enfranchisement of Ennychus.

<sup>134</sup> For an up-to-date bibliographic selection, I refer to Garnsey and De Ligt 2016; De Ligt and Garnsey 2012; Wallace-Hadrill 2011; Mouritsen 2007; Camodeca 2008.

<sup>135</sup> As discussed above, the term *incertus* is a modern byword for those who, in a Latin inscription, appear as individuals of undisclosed legal status. See the Introduction.

of freed individuals. Moreover, the Album indicates that the practice of differentiating the various categories of manumitted slaves through a specific terminology was already established in the 1<sup>st</sup> century AD, and it is reasonable to suggest that it had probably emerged soon after Junian Latinity had been instituted.

The Album is not the only inscription in which *incerti* can be found alongside other individuals whose legal status is recorded through an indication of their voting tribe, their filiation or their libertination. Not infrequently, the absence of status indicators in someone's onomastic record can be considered a matter of personal preference, or it might be the result of changes in epigraphic practices through the centuries.<sup>136</sup> Yet, in some cases, and especially in those inscriptions which were on public display, or which had a more official nature, the presence of *incerti* cannot be explained as the result of a personal choice.<sup>137</sup> Therefore, I suggest that some of the *incerti* documented in Latin epigraphy might have been Junian Latins who, like Ennychus in the Album, lacked the capacity to use libertination, since they did not qualify as *liberti*, a term which seems to have identified only those manumitted slaves in possession of Roman citizenship.

One such inscription, which is of paramount importance for the present study, was found in the area of the *castrum* of the *vigiles* stationed at Ostia. Inscribed on a small marble slab, the document lists the name of some of the *vigiles* belonging to the *centuria Claudiana* of the third *cohors*, who had received a share of the *frumentum publicum* in recognition of their prolonged service, on 13<sup>th</sup> December AD 166.<sup>138</sup>

Coh(ors) III vig(ilum) //

I(i) qui descenderunt in vexillatione Ostis Id(ibus) Aug(ustis) in  
Id(us) Dec(embres), Pudente et Polione co(n)s(ulibus) ((centuria)) Claudi(ana)  
Q(uintus) Livius **Q(uinti) fil(ius)** Salutaris f(rumentum) p(ublicum) a(ccepit) d(ie) VIII t(abula)  
XLVIII k(ognita) c(ausa)  
5 M(arcus) Ulpus Celestinus f(rumentum) p(ublicum) a(ccepit) d(ie) VII t(abula) XLI k(ognita)  
c(ausa)  
L(ucius) Octavius Sabinus f(rumentum) p(ublicum) a(ccepit) d(ie) VII t(abula) LVIII k(ognita)  
c(ausa)  
P(ublius) Cassienus Hilarus f(rumentum) p(ublicum) a(ccepit) d(ie) VII t(abula) LVIII k(ognita)  
c(ausa)  
L(ucius) Nonius **L(uci) lib(ertus)** Proclus f(rumentum) p(ublicum) a(ccepit) d(ie) I t(abula)

<sup>136</sup> This topic will be discussed in grater detail in Chapter III.

<sup>137</sup> Again, for a more detailed discussion, see Chapters III and IV.

<sup>138</sup> CIL XIV, 4449.



LVIII k(ognita) c(ausa)  
 L(ucius) Laesina **L(uci) f(ilius)** Marcellinus, f(rumentum) p(ublicum) a(ccepit) d(ie) <--->  
 t(abula) <---> k(ognita) c(ausa)  
 10 Q(uintus) Aemilius Theseus f(rumentum) p(ublicum) a(ccepit) d(ie) <---> t(abula) <--->  
 k(ognita) c(ausa)  
 L(ucius) Plutius Agathopus f(rumentum) p(ublicum) a(ccepit) d(ie) VII t(abula) LXXXII k(ognita)  
 c(ausa)  
 L(ucius) Lepidius Restutus f(rumentum) p(ublicum) a(ccepit) d(ie) <---> t(abula) <---> k(ognita)  
 c(ausa)  
 L(ucius) Plutius Iulianus f(rumentum) p(ublicum) a(ccepit) d(ie) <---> t(abula) <---> k(ognita)  
 c(ausa)  
 C(aius) Vennius Leo f(rumentum) p(ublicum) a(ccepit) d(ie) <---> t(abula) <---> k(ognita)  
 c(ausa) //  
 (inscribed on the right side of the slab, in smaller letters) C(uram egit) t(ituli) / Venius / Leo /  
 B(onis) b(ene)

Alongside the name of each soldier, the document indicates the day in which he had been given the *frumentatio*, and the number of the *tabula* in which the act had been recorded (or in which the name of the *vigilis* was registered among other beneficiaries).<sup>139</sup> Not all the numbers are inscribed, but traces of *rubricatura* have been found on the marble, and so it is likely that part of the inscription was traced in *minium*.<sup>140</sup> Of the eleven men listed on the slab, two are identified as freeborn through a record of their filiation, one as a *libertus*, while the legal status of the remaining eight is undisclosed. Although inscriptions that commemorate the distribution of public grain to the *vigiles* are uncommon, four more were found at Ostia and one in Rome.<sup>141</sup> a comparison of the six documents allows us to draw some important conclusions on the presence of *incerti* in the one dated to AD 166.<sup>142</sup> Looking at the other inscriptions,

<sup>139</sup> For a discussion of the procedure, see Viriouvét 1995, 275-82.

<sup>140</sup> CIL XIV, Vaglieri's observation on 4449, (page) 647.

<sup>141</sup> CIL XIV, 4500; 4502; 4505; 4506; CIL VI, 220. While it equally lists a few recipients of the public grain, another inscription – CIL XIV, 4509 – has been excluded from the present study because, as a *titulus pictus* painted on the inner walls of the barrack, it does not necessarily follow the same epigraphic conventions of the other documents.

<sup>142</sup> It is not entirely clear why these inscriptions were commissioned. It has been argued by Viriouvét (1995, 274) and by Sablayrolles (1996, 50), that the *vigiles* were eligible to receive a share of the public grain only after the end of their third year of service. In Sablayrolles' opinion, '[...] le délai de trois ans était nécessaire pour que tous les soldats fussent citoyens, et donc susceptibles d'être inscrits sur les registres du frumentum publicum [...]'. However, this theory is not convincing, since it rests primarily on circumstantial evidence offered by CIL VI 220, an inscription that, according to the two scholars, and especially by Viriouvét, was commissioned in AD 203 by those soldiers who had been enrolled in AD 199 and in AD 200, to commemorate their newly acquired right to receive *frumentationes*. Yet, nowhere in the text of CIL VI 220 we find an indication that those soldiers were taking part to the distribution of public grain for the first time. And, even if we were to follow the theory put forward by Viriouvét and Sablayrolles,

then, it is evident that the *vigiles* had been particularly attentive in recording the legal status of those who were entitled to receive a share of the public grain,<sup>143</sup> in two cases even including the voting tribe and town of origin of the recipients of the *frumentationes*.<sup>144</sup> One of the documents is unfortunately too fragmentary to reconstruct the legal status of all the recipients.<sup>145</sup> However, three of the remaining inscriptions only list *vigiles* who were either freeborn or *liberti*,<sup>146</sup> while the other one mentions also an *incertus*, the *optio* Publius Aelius Hermadion;<sup>147</sup> yet, his name had been inscribed in smaller letters at a later time,<sup>148</sup> and thus the possibility that his filiation or libertination had been omitted to save space cannot be excluded entirely. However, the same rationale cannot have applied to the inscription dated to AD 166, where *incerti* are the majority of the recipients of the *frumentatio*. Considering how the legal status of the Ostian *vigiles* is usually recorded in more official documents,<sup>149</sup> and also that one of the recipients of the distribution of AD 166 is identified as a *libertus*, the presence of so many *incerti* in that inscription cannot have been the result of a deliberate omission of the less favourable status of *libertus*. Rather, I suggest that those eight individuals (and possibly even Hermadion) might have been Junian Latins,

---

the presence in the same document of soldiers recruited in two different years again would conflict with the possibility that the inscription had been commissioned to mark their acquisition of the right to take part in the *frumentationes* after three years of service. Thus, it is evident that the inscription was commissioned by a few soldiers who were serving together in the same *centuria* (under the command of Caius Atticius Speratus), and who had decided to commemorate their *frumentatio* for the month of March of AD 203, while at the same time including in the inscription a record of the day and the year when they had been *militēs facti*. However, the fact that none of those soldiers had been serving for less than three years does not authorize to think that *vigiles* were entitled to receive a share of public grain only after the end of their third year of service.

<sup>143</sup> CIL XIV, 4500; CIL VI, 220.

<sup>144</sup> It is often stressed that only Roman citizens were entitled to a share of the public grain, as suggested by ancient sources. For a recent study on the eligibility of non-Roman citizens to receive *frumentationes* see Bernard 2016, 50-71. We do not know with certainty if Junian Latins, lacking Roman citizenship, were always excluded from *frumentationes*, but it has been suggested by Rea (1972, 11-3) that they might have occasionally had a chance to purchase access to the distribution of *frumentum publicum*. However, even if Junian Latins, as a category, were normally excluded from receiving a share of the public grain, it is reasonable to suggest that those Junian Latins who served as *vigiles* were probably entitled to receive *frumentationes* even before their acquisition of the *ius Quiritium*, in recognition of their service.

<sup>145</sup> CIL XIV, 4506.

<sup>146</sup> CIL XIV, 4500; 4505; CIL VI, 220.

<sup>147</sup> CIL XIV, 4502.

<sup>148</sup> His name was inscribed after the line which commemorates the dedication of the inscription, and so it is evident that it must have been a later addition.

<sup>149</sup> However, status indicators are not always recorded in all the inscriptions set up by the *vigiles*. For example, see CIL VI, 1056, a marble base dedicated to Caracalla by the *vigiles* serving in seven different *centuriae* of the *cohors I*, where status indicators are omitted both for the officers and the *militēs*. Interestingly, the *praenomina* of the *militēs* have equally been omitted, but they are given for the seven *centurions*, for the *tribunus* and for the *praefectus*.

and that they had been listed as *incerti* simply because they lacked the capacity to be styled as *liberti*, a term that indicated only those manumitted slaves endowed with Roman citizenship. After all, the Lex Visellia of AD 24 had provided a third path to Roman citizenship (besides *iteratio* and *anniculi probatio*) to (male) Junian Latins, who could now become citizens after at least six years of service in the *vigiles*; and a later *senatus consultum* even reduced the years of service needed to acquire the *ius Quiritium* to three.<sup>150</sup> There is thus scope for looking – and finding – Junian Latins among the *vigiles*.

Thus, given their long standing association with Junian Latins, documents related to the *cohortes vigilum* might offer a precious opportunity to identify *Latini* in the epigraphic evidence. Yet, the inscription dedicated by the Ostian *vigiles* to commemorate the *frumentatio* they had received in December of AD 166 is one of the very few epigraphic documents in which Junian Latins can be identified with reasonable certainty. Although the *cohortes* had originally been recruited only among freed slaves, over time the recruitment pattern changed, and freeborn *vigiles* became progressively more common.<sup>151</sup> Furthermore, the fact that Junian Latins acquired the *ius Quiritium* relatively soon after the beginning of their service in the *vigiles* probably means that they soon acquired also the possibility to be styled as *liberti*, and to use libertination. After all, Gaius reminds us that a Junian Latin who was manumitted a second time '[...] **ciuis Romanus** et [...] **libertus fit**',<sup>152</sup> and that is true probably also for those who acquired Roman citizenship through alternative means. It follows that the possibility that some of the *vigiles* who are identified as *liberti* might have actually started their service as Junian Latins is concrete, and should not be dismissed. Yet, even if Junian Latins are difficult to identify even in the evidence related to the *vigiles*, the inscription discussed on the previous pages provides an important confirmation of the epigraphic patterns highlighted for the Album of Herculaneum. Therefore, it is possible that some of the *incerti* documented in other categories of inscriptions might have equally been Junian Latins, especially in those inscribed monuments where the names of individuals of different legal statuses are recorded.

---

<sup>150</sup> Gaius 1.32; *Tit. Ulp.* 3.5.

<sup>151</sup> For a thorough study of the *cohortes vigilum*, see Sablayrolles 1996. However, his argument that recruitment was open also to *peregrini* does not appear convincing, since it is not supported by any evidence.

<sup>152</sup> Gaius 1.35.

One such monument was found at Thebes in Boeotia,<sup>153</sup> although it probably came from Thespiiai;<sup>154</sup> it had been dedicated by several men who were likely active in trade, possibly with mainland Italy.<sup>155</sup>

#### Right column

St(atius) Vallius **St(ati) f(ilius) Lem(onia) Rufus**  
 Cn(aeus) Castricius **A(uli) f(ilius) Pal(atina) Macer**  
 A(ulus) Castricius **A(uli) f(ilius) Pal(atina) Modestus**  
 P(ublius) Bruttius **P(ubli) f(ilius) Qui(rina) Rufus**  
 5 T(itus) Statilius **Tauri l(ibertus) Eros**  
 L(ucius) Licinius Festus  
 T(itus) Statilius **Tauri l(ibertus) Faustus**  
 Cn(aeus) Statilius **Tauri l(ibertus) Rex**  
 T(itus) Statilius **Tauri l(ibertus) Festus**  
 10 Sex(tus) Aemilius Primus

#### Left column

Antiochus **Athenadis**  
 Androcles **Athenadis**  
 Saturus **Caphisiae**  
 Pammenus **Chrysilai**  
 5 L(ucius) Ambasius Modestus  
 L(ucius) Marius Grecinus  
 St(atius) Vallius Faustus  
 L(ucius) Ambasius Ilus  
 [[-----]]  
 10 Exacestus **Myrtonis**

#### Underneath the two columns

Sex(to) Appuleio Sex(to) Pompeio co(n)s(ulibus)  
 pr(idie) Idus Decembres dedicata

The monument, inscribed on a marble orthostates, had been dedicated on 12<sup>th</sup> December AD 14, which would make it one of the earliest pieces of evidence possibly related to Junian Latins. While the date of the Lex Aelia is known (AD 4), scholars

<sup>153</sup> CIL III, 7301; AE 2013, 1421.

<sup>154</sup> Hatzfeld 1919, 68, n. 7.

<sup>155</sup> Hatzfeld 1919, 69.

have not yet reached a consensus on the date of the Lex Iunia. The crux of the debate lies on the fact that the law is referred to as *Iunia* in Gaius and in post-classical sources like the *Epitome* of Ulpian,<sup>156</sup> but *Iunia Norbana* in a passage of the *Institutes* of Justinian.<sup>157</sup> However, if one accepts the Justinianic tradition, the only possible date for the Lex Iunia is AD 19, well after the promulgation of the Lex Aelia Sentia. Yet, Iunian Latinity seems to have been created by the Lex Iunia, and the content of the Lex Aelia Sentia implies that the legal category of Iunian Latin had already been in existence by AD 4.<sup>158</sup> While certainty on the topic is unattainable, as Mommsen pointed out,<sup>159</sup> several influential scholars have argued powerfully for an earlier dating of the Lex Iunia,<sup>160</sup> which is the view that I also embrace; consequently, I argue that Iunian Latinity had already become a feature of Roman manumission practices when this monument was dedicated, in December of AD 14.

It is evident that the inscription had been commissioned by individuals of different legal conditions, but who were united by a common (yet unspecified) interest. Four names belong to freeborn Roman citizens, as shown by a record of their filiation and of their voting tribe: two of them, the Castricii, had probably been relatives – possibly brothers, as suggested by filiation and tribal ties, which both shared. Four other individuals are labelled as *liberti*, and probably had all been manumitted by the same owner, one of the powerful Titi Statilii Tauri, as their libertination formula implies.<sup>161</sup> Bearing only the *tria nomina*, six of the remaining individuals appear as *incerti*, while all the others are identified by a *simplex* nomen followed by a Latinised Greek name in the genitive case, which is probably a patronymic (or a metronymic), rather than an indication of ownership: whether freed, freeborn or slaves, they are undoubtedly *peregrini*.<sup>162</sup>

---

<sup>156</sup> To give a few examples: Gaius 1.22; 1.80; 1.167; *Tit. Ulp.* 1.10; 3.3; 11.16.

<sup>157</sup> *Just. Inst.* 1.5.3.

<sup>158</sup> Buckland 1908, 534-7.

<sup>159</sup> Mommsen 1887/8, III, 626.

<sup>160</sup> Mommsen 1887/8; Girard 1906; Buckland 1908; Sirks 1981 and 1983; Weaver 1997; López Barja de Quiroga 1998. More recently, Venturini 1995 has argued in favour of a later dating of the Lex Iunia.

<sup>161</sup> However, it should be noted that the *praenomen* of Statilius Rex might be Gnaeus, although that line is partially erased and difficult to read properly. According to Roesch 1982, Kajava 1989 and Marchand 2013, the man could be the freedman of an (undocumented) Cnaeus Statilius Taurus. However, in my opinion there is also a possibility that Rex might have been jointly owned by Titus Statilius Taurus and by a second man named Cnaeus. In that case, Rex could have taken the *praenomen* of his second owner, but his libertination would have been modelled on the name of Taurus, like that of the other three *liberti* mentioned in this inscription. On this topic, see Duff 1958, 54.

<sup>162</sup> For an overview of status indicators in Greek epigraphy, see McLean 2002.

The six individuals who appear as *incerti* are unlikely to have been Roman citizens: if that had been the case, they would have probably recorded their voting tribe, even in the event that they might have been unable to adopt filiation.<sup>163</sup> Although the possibility that those men were manumitted slaves who (as noted earlier) had chosen to omit their libertination to hide a less favourable status cannot be discounted entirely, the presence of four *liberti* in the same inscription seems to rule out that hypothesis. Furthermore, it is important to remember that the monument was probably connected to the cult of Theos Taurus at Thespiiai,<sup>164</sup> and, thus, that it might have been on public display, and subject to a certain degree of ‘peer control’. In a similar manner, the idea that those men might have been foreigners who had embraced Roman onomastic conventions,<sup>165</sup> or even that they might have been Latin citizens, seem both rather implausible, given the presence in the same inscription of several *peregrini* with a Greek name, and considering how the *ius Latii* was particularly uncommon in the East.<sup>166</sup> It is also important to stress that one of the *incerti*, Statius Vallius Faustus (col. II, line 7), bears the same *praenomen* and *cognomen* as Rufus, the Roman citizen who opens the list on the right column, which implies a connection between the two. Having weighted all the alternative hypotheses, namely peregrine status or Latin citizenship, the possibility that those six *incerti* might have been Junian Latins seems to me the most plausible, especially considering how these individuals appear to have been involved in some form of trade.<sup>167</sup> If this hypothesis is correct, once more – like in the previous two inscriptions – we would have an example of Junian Latins who appear in the epigraphic evidence as *incerti* as a result of the impossibility for them to adopt the term *libertus* (and with it, libertination), which seems to have identified only formally manumitted slaves.

---

<sup>163</sup> The possibility that first-generation Roman citizens might not have been able to *conventionally* use filiation in Latin inscriptions will be discussed in Chapter IV.

<sup>164</sup> Marchand 2013.

<sup>165</sup> It is possible that non-Roman citizens could occasionally adopt Roman onomastic conventions. As we are reminded by Suetonius, Claudius had to forbid *peregrini* to usurp the ‘Roman name’: Suet., *Claud.* 25. Moreover, foreigners serving in the army might have equally adopted the *tria nomina*, as the Egyptian sailor Apion had done, becoming Marcus Antonius Primus: *BGU*, 423.

<sup>166</sup> For an overview of how widespread the *ius Latii* was, see Chapter II, dedicated to discussing Latin citizenship in imperial times.

<sup>167</sup> Since Junian Latins were endowed with the *ius commercii*, they made suitable agents for the interests of their former owners, who could ‘[...] avoid any commercial restrictions or legal prohibitions put upon them as citizens and senators by utilising Junian Latins in their business enterprises in their place’. The quote is from Roth 2010, 110, building on Sirks 1981, 267-71.

Furthermore, it is possible that some of the *incerti* commemorated in more private epigraphic documents, such as epitaphs, might have equally been Junian Latins. Funerary inscriptions are by far the most common in the imperial period, and the ones in which the incidence of *incerti* is the highest: this was often (but not always) the result of changing epigraphic practices embraced by all strata of Roman society, which resulted in the progressive disappearance of status indicators, especially in certain categories of inscriptions.<sup>168</sup> However, whenever *incerti* appear in those epitaphs that record the names of several other individuals whose legal status is known, the possibility that they might have been Junian Latins should not be discounted, especially when the majority of the men and women commemorated in the same inscription have a servile background. A particularly interesting case is constituted by a funerary monument from Aquileia; a slab that marked the burial place of Marcus Tullius Anteros and several of his *amici*.<sup>169</sup>

M(arcus) Tullius Anteros  
locum sepulturae sibi et  
amicis suis dedere eis qui infr(a) s(cripti) s(unt).  
Titiae **((mulieris)) I(ibertae)** Melpomene cont(ubernali) Anterotis,  
**5** T(ito) Betutio **T(iti) I(iberto)** Karo, Betutiae **T(iti) I(ibertae)** Festai,  
T(ito) Kanio **T(iti) I(iberto)** Thallo, T(ito) Kanio **T(iti) f(ilio)** Proculo,  
Petroniae **L(uci) f(iliae)** Procile, Rufoniae Sabinae,  
C(aio) Poppio Corintho, Atiponiae **C(ai) I(ibertae)** Tryphêrai,  
Barbiae **((mulieris)) I(ibertae)** Iadi, Camuriae Liberali,  
**10** Verecundae, Q(uinto) Iunio **Q(uiti) I(iberto)** Liberaî,  
M(arco) Tullio **M(arci) I(iberto)** Astico, Muliae **((mulieris)) I(ibertae)** Nymphe,  
Mamiliae **((mulieris)) I(ibertae)** Hygiae.

As we can see, the vast majority of the individuals commemorated in this epitaph are *liberti* and *libertae*, but there are also a freeborn, Titus Kanius Proculus, a woman identified by a *simplex nomen* (Verecunda, l. 10) – who might have been a slave,<sup>170</sup> and four *incerti*, including the man who had provided the burial place and who had commissioned the inscription (M. Tullius Anteros, l. 1; Rufonia Sabina, l. 7; C. Poppius Corinthus, l. 8; and Camuria Liberalis, l. 9). Although connections can be seen

<sup>168</sup> This topic will be discussed at length in Chapter III.

<sup>169</sup> InscrAqu II, 1567.

<sup>170</sup> There is also a possibility that *Verecunda* was the second *cognomen* of Camuria Liberalis, but the social background of the individuals commemorated in this epitaph and, more importantly, the layout of the inscription, both suggest that this hypothesis is less likely.

between some of these individuals,<sup>171</sup> it is evident that they belonged to several different *familiae*, and that they had chosen to be buried together because they shared a ‘network’ of friendship or mutual assistance, as suggested by the term *amici*. Once more, while it is possible that the four *incerti* were manumitted slaves who had chosen to hide their status, the presence of so many *liberti* in the epitaph indicates that the possibility is unlikely, especially for the three individuals who had not been involved in commissioning the monument. Furthermore, the relationship between the commissioner and Melpomenen might suggest that even Anteros was a Junian Latin: the two shared *contubernium*, and not (*iustum*) *matrimonium*, the union between two Roman citizens – or two individuals endowed with the *ius conubii*, which Junian Latins probably lacked.<sup>172</sup> Thus, the epitaph of Anteros and of his *amici* might offer yet further evidence for Junian Latins who appear as *incerti* in Latin inscriptions, not because they were deliberately trying to hide their condition, but simply because they lacked a linguistic ‘marker’ to convey their peculiar legal status.

This brief epigraphic survey is by no means exhaustive. Yet, the presence of *incerti* in these inscriptions, one of which a known Junian Latin, suggests that even epigraphic conventions might have followed the usage of the term *libertus* documented in the *Institutes* of Gaius and in the *Epistles* of Pliny, and that Junian Latins might have been unable to use libertination. Or – to put it more correctly the other way around – we can see here that Gaius understood and utilized the terms in question correctly, in keeping with what appears to be the dominant understanding in the century and a half leading up to the composition of his *Institutes*. It could of course be argued that the neat usage here documented or proposed for some inscriptions is not born out by other epigraphic sources: this is indeed correct. But as with my content-sensitive reading of Gaius’ writings, it is essential to adopt at all times a content-sensitive approach to the analysis of inscriptions as well. In the next chapter part, therefore, I shall offer such a context-sensitive analysis of one epigraphic text that demonstrates more broadly that the deviation from the rule I have established so far does not challenge that rule, but – rather – that the context satisfactorily explains the deviation, thereby also identifying that deviation properly as such a one, and the rule as a rule.

---

<sup>171</sup> Melpomenen was the *contubernalis* of Anteros; Anteros and Asticus shared the same *nomen* and *praenomen*, and might have belonged to the same *familia*; Titus Kanius Thallus (*libertus*) and Titus Kanius Proculus (*ingenuus*) might have been relatives.

<sup>172</sup> López Barja de Quiroga 1998, 143.



## V The manumission of Helene (M.Chr. 362)

In AD 221, on the 25<sup>th</sup> July, Aurelius Ammonios, son of Hermenios, recorded an act of manumission *inter amicos* on behalf of the illiterate Marcus Aurelius Ammonion, who had freed his house-born slave, Helene.<sup>173</sup> The act was inscribed on two joined tablets; it represents one of the only three surviving pieces of evidence of *manumissio inter amicos*,<sup>174</sup> and the only one (also) in Latin.<sup>175</sup> Since Helene had been freed informally *inter amicos*, it is evident that she must have had acquired the status of a Junian Latin. Therefore, the document is of paramount importance for the study of the topic in hand: let us take a closer look at the text inscribed in the inner part of the tables.

Marcus Aurel[iu]s [A]mmonion Lu-  
pergu Sarapionis ex m[at]r[e] Terheutae  
ab Hermupoli m[aio]r(e) antiqua et splend(ida)  
Helenen ancillam suam uernam  
5 annorum circiter x[x]xiii inter ami-  
[c]os manumisit liberamque esse ius-  
[si]t et accepit pr[o] liber[t]ate eius ab  
Aurelio Aletis Inaroutis a uico Tisicheos  
nomi Hermupolitu dr(achmas) Aug(ustas) dua millia  
10 ducentas quas et ipse Ales Inaroutis do-  
nauit Helen<a>e **liberta<e>** supra scripta<e>.  
actum Hermupoli maior(e) antiqua  
et splend(ida) vii Kal(endas) Augustas Grato  
et Seleuco co(n)s(ulibus) anno iiii Imp(eratoris) Caesaris  
15 Marci Aureli Antonini Pii Felicis Aug(usti)  
mense Mesore die i.

Μάρκος Αύρηλιος  
Ἀμμωνίων Λουπέργου Σαραπίωνος Ἑλένην δού-  
λην μου οἰκογενῇ ὥς (ἐτῶν) λδ μεταξύ φίλων ἡλευ-  
θέρωσα καὶ ἔσχον ὑπὲρ λύτρ[ω]ν αὐτῆς δραχμὰς  
5 σεβαστὰς δις-  
κειλίας διακοσί[α]ς παρὰ Αἰὺρηλίου Ἀλήτος  
Ἰναροῦτος ὡς πρόκειται. Αἰὺρήλιος Ἀλῆς Ἰναρω-  
οὔτος ἐξωδίασα τὰς τοῦ ἀργυρίου δραχμὰς δις-  
κειλίας διακοσίας καὶ οὐ μετελεύσομαι Ἑλένην  
10 τὴν προκιμένην **ἀπελευθέραν**. Αὐρήλιος Ἀμ-  
μώνιος Ἑρμείνου ἔγρα(ψα) ὑπ(ὲρ) αὐτ(οῦ) μὴ εἰδό(τος) γρά(μματα).

Marcus Aurelius Ammonion, (son) of Lupergus, (grandson) of Sarapion, born to (his) mother Terheuta, from Hermopolis Magna, ancient and splendid, has set free, between friends, his house-born female slave Helene, about 34 years old, and has ordered her to be free, and accepted for her freedom 2200 Augustan drachmas from Aurelius Ales, (son) of Inarous, from the

<sup>173</sup> *M.Chr.* 362 (= *FIRA* III, 11; *CPL* 172; *Jur.Pap.* 8).

<sup>174</sup> The other two are *P.Oxy* IX, 1205 and *P.Lips* II, 151.

<sup>175</sup> For a detailed analysis of the tablet, see De Ricci 1904.

*vicus* of Tsichis in the *nomos* Hermupolite, which himself Ales (son) of Inarous gifted to Helene, **the freedwoman mentioned above**. Enacted at Hermopolis Magna, ancient and splendid, on the 7<sup>th</sup> day before the Kalends of August, under the consulship of Gratus and Seleucus, in the 4<sup>th</sup> year of Emperor Caesar Marcus Aurelius Antoninus Pius Felix Augustus, in the month Mesore, on the 1<sup>st</sup> day.

I, Marcus Aurelius Ammonion (son) of Lupergus, (grandson) of Serapion, have set free, between friends, my house-born female slave Helene, about 34 years old, and have received for her freedom 2200 Augustan drachmas from Aurelius Ales, (son) of Inarous, as written above. I, Aurelius Ales, (son) of Inarous, have paid the 2200 silver drachmas, and will make no claim on (or against) Helene, **the freedwoman mentioned above**. I, Aurelius Ammonios, (son) of Hermenios, have written for him, as he is illiterate.

As we can see, the act was recorded both in Latin and in Greek, and even if the two sections do not match perfectly, they are entirely coherent with each other. At line 11 of the Latin text, it is immediately evident that the now freed Helene is addressed as *liberta*, despite her condition of *Latina Iuniana*. The use of the term *liberta* in this act of manumission clearly conflicts with the more careful usage documented in the *Institutes* of Gaius and the *Epistles* of Pliny. However, I will argue in what follows that this ‘inappropriate’ use of the terminology was largely due to the unfamiliarity with certain aspects of Roman legal practices shown by both the manumittor and by the individual who redacted the document.

To begin with, it should be noted that not only Ammonion – the former owner of Helene – but also Ales, the man who gifted the slave with the sum she used to buy her freedom, and even Ammonios, who recorded the *manussio* in writing, all bear the imperial *nomen* Aurelius. Given the date of the document – AD 221– it is highly plausible that all three individuals had acquired Roman citizenship only a few years earlier, thanks to the *constitutio Antoniniana*.<sup>176</sup> Moreover, while the Latin text is the one opening the document, it is reasonable to argue that the first draft of the act had been written in Greek, and that, despite his outstanding familiarity with the Latin language, Ammonios’ was nonetheless a Greek native speaker. The hypothesis is confirmed by a series of observation on both the formulas employed in the document, and on the quality of the Latin text. To be more specific, it is evident that the form of filiation given for the three individuals followed Greek practices (the name of one’s father in the genitive case) even in the Latin part of the document – Ammonion is not

---

<sup>176</sup> Corcoran 2011, 134.

M(arci) f(ilius), but rather *Lupergu Serapionis*. Additionally, a specific locution was adopted to include the name of Ammonion's mother at the beginning of the Latin section, which was a relatively common practice in Graeco-Egyptian documents, but much more uncommon in Latin ones.<sup>177</sup> Finally, at line 11 of the Latin text, which refers to Helene, she is identified as 'Helen<a>e liberta<e> supra scripta<e>': the letter 'a' is omitted in the name of the woman, and the other two words are missing the final letter 'e', which might be a form of abbreviation, but is more likely an error.

Furthermore, there is an additional element that points towards the permanence of Greek practices in acts of informal manumission carried out in the Greek speaking areas of Egypt, even after the promulgation of the *constitutio Antoniniana*. As noted above, this document is one of the only three surviving acts of *manumissio inter amicos*; incidentally, all three documents record the manumission of a woman and, in all three cases, the slave is given the sum needed to buy her freedom by a third party. The involvement of a third individual has been interpreted by Perry as an indication that women had to rely more '[...] on their personal relationships with their owners and fellow slaves than on their material production to achieve manumission.'<sup>178</sup> However, I propose instead that the presence of an individual assisting the slave in purchasing their freedom is rather a reminiscence of Greek manumission procedures, which often involved an extraneous party, although usually in the form of a fictitious sale.<sup>179</sup>

To sum up. While it is evident that the parties involved in this act of manumission are willing to engage with the Latin language, as befitting a (newly enfranchised) Roman citizen, it is equally clear that they are still partially following Graeco-Egyptian habits and practices.<sup>180</sup> This should not be particularly surprising: as Corcoran observed, '[...] it would take more than an emperor's edict to turn new theoretical citizens into active users of Roman legal norms'.<sup>181</sup> Therefore, I suggest that the use of the term *liberta* to refer to the new legal condition enjoyed by Helene is a result of Ammonios' unfamiliarity with the more intricate aspects of Roman legal terminology, and that it is

---

<sup>177</sup> McLean 2002, 94.

<sup>178</sup> Perry 2014, 58; *contra* Roth 2016a, 105.

<sup>179</sup> Scholl 2001 is the opinion that, in Egypt, *manumissio inter amicos* followed a mixture of Latin and Greek legal formulas; similarly, Harrill 1995 argues that another act of *manumissio inter amicos* (*P.Oxy.* IX, 1205) also incorporated Jewish manumission practices. For a brief overview of Greek manumission practices, see Guarducci 1987, 346-58.

<sup>180</sup> Montevecchi (1991, 202) points out that manumission acts from imperial Egypt usually include the price of freedom, following an earlier Graeco-Egyptian custom.

<sup>181</sup> Corcoran 2011, 130.

a mere translation of the 'ἀπελευθέρα(ν)' found at line 10 of the Greek text: after all, the Greek language lacked an equivalent of the term '*libertinus*'.<sup>182</sup> Thus, it is clear that the present document does not disprove the usage of the terms *libertus* and *libertinus* attested in the *Institutes* of Gaius, as it is an expression of a private act of manumission carried out by newly enfranchised Roman citizens who, most likely, were not entirely familiar with Roman law.

Helene's act of manumission is an important reminder that not every individual who engaged with the Latin language and with Latin epigraphy would have been aware of both the technicalities associated with certain terms, and with the conventions adopted when composing a Latin inscription, or a document. However, the tablet from Hermopolis Magna also allows us to make additional observations about the effects that the *constitutio Antoniniana* might have had on the epigraphic production. In the past, scholars have argued that Roman citizenship had already become widespread by the beginning of the 3<sup>rd</sup> century AD, and that the *constitutio Antoniniana* might have had a limited impact on Roman society.<sup>183</sup> This view has been challenged several times,<sup>184</sup> and a new quantitative study carried out by Lavan has suggested that only up to 33 per cent of the individuals living in the provinces were in possession of the Roman franchise before the promulgation of the *constitutio Antoniniana* – with the most likely estimate being, however, around 22 per cent.<sup>185</sup> More broadly, Salway has demonstrated that new naming practices began to spread after Caracalla's universal grant of Roman citizenship, since many 'New Romans', rather than adopting established Roman conventions, started instead to adapt them to their own onomastic systems, usually by adding the *nomen* Aurelius to their older names – exactly like Ammonion did.<sup>186</sup> These studies offer yet another indication that, after the promulgation of the *constitutio Antoniniana*, a not inconspicuous number of newly enfranchised individuals might have started to engage with Latin epigraphy without necessarily being aware of the different conventions, as the tablet recording the manumission of Helene reminds us. The obvious implication is that the *constitutio Antoniniana* also marks the soft limit after which the usage of the term *libertus* in Latin inscriptions might have stopped to reflect the meaning documented in the *Institutes*

---

<sup>182</sup> However, it should be noted that Strabo, at 3.5.7, in referring to the *vigiles* of Rome, uses the term ἀπελευθεριωτής.

<sup>183</sup> For example, Sherwin-White 1973; Spagnuolo Vigorita 1993. For a more in-depth discussion, see Lavan 2016, 4-6.

<sup>184</sup> Salway 1994; Jacques and Scheid 1990 and Garnsey 2004, to mention a few.

<sup>185</sup> Lavan 2016, 16; 31-2.

<sup>186</sup> Salway 1994, 133-6.

of Gaius, especially in the provinces. Fortunately, the consequences for the present study are rather limited: by the beginning of the 3<sup>rd</sup> century AD epigraphic production was already in decline;<sup>187</sup> and in most categories of inscribed documents, the inclusion of status indicators had become the exception rather than the norm – except perhaps for some military *laterculi*, and for certain *cursus* inscriptions.<sup>188</sup>

## VI Conclusions

By creating two new categories of manumitted slaves who were legally free, but not in possession of Roman citizenship, the *leges lunia* and *Aelia Sentia* profoundly altered Roman manumission practices: now, not all manumitted slaves were in possession of both *libertas* and *ciuitas*, as they had been during the Republic.<sup>189</sup> As a consequence of these reforms, the two ‘*termini technici*’ related to manumitted slaves in use under the Republic – *libertus* and *libertinus* – were not sufficient anymore to describe the different categories of freed slaves: new terminology had to be adopted. In earlier times, the term used to indicate freed slaves had been *libertus*, as confirmed by Latin epigraphy, where libertination formulas appeared as early as the 3<sup>rd</sup> century BC;<sup>190</sup> *libertinus* had been used instead to refer to the freeborn sons and daughters of a manumitted slave.<sup>191</sup> Yet, it can be argued that, by the time when the Lex lunia was enacted, *libertinus* too had come to indicate freed condition, and that probably the two terms were largely synonyms.<sup>192</sup> However, the term *libertus* had a longer tradition, and likely carried a more precise legal connotation. Accordingly, after the promulgation of the Lex lunia, the term kept on designating only those freed slaves who had been manumitted formally, and who were endowed with Roman citizenship – as it had in Republican times, when only formal manumission was recognised as lawful. On the other hand, the term *libertinus* acquired a wider meaning, and came to indicate freed condition, regardless of further legal distinctions: as we are reminded

---

<sup>187</sup> MacMullen 1982.

<sup>188</sup> For a discussion on how status indicators kept being included in certain categories of inscriptions longer than in others, see Chapter III.

<sup>189</sup> Although the *apparent* freedom of informally manumitted slaves had been protected since the promulgation of the Edict of the Praetor, from a legal point of view, those individuals were still considered slaves, as stressed by Gaius 3.56.

<sup>190</sup> For a few examples, see: CIL I, 136 and 2869a; CIL XIV, 3210 and 3247; AE 1983, 405; 1983, 404.

<sup>191</sup> Suet., *Claud.* 24.

<sup>192</sup> In satire 1.6 Horace, the son of a freedman, reminds Maecenas that he was ‘[...] libertino patre natum’. On Horace and his father, see Schlegel 2000.

by Gaius, ‘rursus **libertinorum** tria sunt genera [...]’.<sup>193</sup> Moreover, additional ‘*termini technici*’ were created for the new classes of freed individuals established by the *leges Iunia* and *Aelia Sentia*, both modelled on the existing legal categories to which these manumitted slaves were equated to (***adsimulati***)<sup>194</sup>: *Latini (Iuniani)* for the Junian Latins, and *dediticii*.

Comparing the different passages of the *Institutes* of Gaius that discuss matters related to freed individuals, it is evident that these four ‘*termini technici*’ carried a well-defined legal meaning; consequently, they demanded scrupulous usage. It is not always possible to reconstruct in full the subtleties of the norms discussed by Gaius but, throughout the *Institutes*, the term *libertus* seems to refer consistently only to those manumitted slaves who are in possession of (Roman) citizenship. Conversely, neither Junian Latins nor *dediticii* are ever identified as *liberti*: while the two categories are profoundly different, they shared a common trait, as they both lacked Roman citizenship. Despite its fragmentary state, §1.35 of the *Institutes* sums up well the legal subtleties at play when using the different ‘*termini technici*’: a Junian Latin becomes a *libertus* only when he or she acquires the *ius Quiritium*, which makes him (or her) a ‘[...] **ciuis Romanus** et [...] **libertus** [...]’.<sup>195</sup> Therefore, it is evident that, for Gaius, the term *libertus* only indicated those freed slaves who enjoyed both *libertas* and *ciuitas*.

Unfortunately, the *Institutes* of Gaius cannot be compared with other contemporary legal treatises, as noted earlier. Although the jurisprudence of eminent *iuris consulti* who lived close to the time of Gaius survive, their teachings are only preserved in anonymous post-classical compilations, or in Justinianic sources. For that, and other reasons, later sources do not necessarily reflect the same usage of the ‘*termini technici*’ documented in Gaius, since terminology could change over time and especially as a consequence of changing legal practices. However, a usage of some of the terms related to manumitted slaves similar to the one highlighted in the *Institutes* can be found also in the correspondence of Pliny, documenting also some of the Junian Latins known to scholarship. Even if only one of Pliny’s letters provides the names of three individuals who are undoubtedly of Latin condition, Junian Latins as a legal category are mentioned in other sections of the correspondence.

---

<sup>193</sup> Gaius 1.9.

<sup>194</sup> Gaius 1.22.

<sup>195</sup> In its unabridged form (‘[...] **ciuis Romanus** et **eius libertus fit**, qui eum iterauit’), the passage states that once a Junian Latin acquires the *ius Quiritium* through *iteration*, he becomes a Roman citizen and the *libertus* of his former owner.

Interestingly, the Junian Latins discussed by Pliny (and Trajan) are never labelled as *liberti*, but rather with vague locutions such as 'ii', 'mei', 'quos proxime inter amicos manumisisti', or by referring to the *ius Latinorum* that Pliny exercised over them.<sup>196</sup> Evidently, as a learned man and former member of the *consilium principis*, Pliny was well aware of the linguistic finesse that was employed by jurists of his own days, as subsequently relected by Gaius, when discussing the different categories of freed slaves; and he, like his peers involved in government, made correct use of such legal categories in their writings.

Together, the *Institutes* of Gaius and the *Epistles* of Pliny offer compelling evidence that Junian Latins did not qualify as *liberti*, a hypothesis further corroborated by Latin epigraphy. In fact, the only known Junian Latin documented in inscriptions, Lucius Venidius Ennychus, was never labelled as a *libertus*, but rather appears as an *incertus* both in official documents, and in the Album of Herculaneum.<sup>197</sup> Although Latin epigraphy could be influenced by the communities that adopted it, which often led to the appearance of epigraphic habits better suited to local needs for expression, it still remained a rigidly formulaic medium. The epigraphic conventions that regulated Latin inscriptions could not accommodate easily the linguistic subtleties adopted by Pliny to refer to Junian Latins, and new formulas that could convey the peculiar status of *Latinus Iunianus* or *dediticius* never arose. Therefore, if Junian Latins (and *dediticii*) could not use libertination as a consequence of the legal meaning attached to the term *libertus*, which identified only those freed slaves in possession of Roman citizenship, then, in the larger body of the epigraphic evidence, they could only appear as *incerti*, as documented by those inscriptions related to Ennychus.

As stated at the outset of this chapter, it has been argued by several scholars that Junian Latinity had a significant impact on Roman society, and that *Latini Iuniani* made up a substantial portion of the Roman freed population,<sup>198</sup> a view that the present chapter also embraces. If Junian Latins did not meet the criteria needed to be considered *liberti*, as suggested by the *Institutes* of Gaius, then it stands to reason that the case study offered by Lucius Venidius Ennychus, who always appears as *incertus* in the inscriptional evidence, cannot have been an exception. In fact, by offering a brief epigraphic overview, this chapter has suggested that the same dynamics documented for the Album of Herculaneum might have applied to other

---

<sup>196</sup> Pliny. *Ep.* 7.16; 8.16; 10.104; 10.105.

<sup>197</sup> Camodeca 2016.

<sup>198</sup> Sirks 1981; Weaver 1997; López Barja de Quiroga 1998; Roth 2010; Koops 2014.

inscriptions, and that other individuals who appear as *incerti* might have equally been Junian Latins. If this argument is correct, and if Junian Latins were indeed numerous, then their inability to use libertination could *help* explain the significant rise in the number of *incerti* documented from the 1<sup>st</sup> century AD onwards. Therefore, it is possible that among the hundreds of thousands of *incerti* known through Latin inscriptions from imperial Rome might 'lurk' a fair number of Junian Latins, and that these were not deliberately trying to hide their condition, but simply lacked a linguistic marker to convey their peculiar legal status. If this proposition is accepted, then scholarship may have at its disposal a means through which to identify – with all due caution – *some* Junian Latins in the larger body of the documentary evidence. Logically, this would mean that, to some degree, it may be possible after all to separate the sheep from the goats, and to tell Roman citizens apart from non-citizens (Junian Latins, *dediticii*) among the freed population of Rome.

However, it is also important to remember that Junian Latins are not the only legal category to be severely underrepresented in Latin epigraphy, and that the appearance of *incerti* in inscriptions is a complex phenomenon,<sup>199</sup> which cannot simply be explained as a consequence of the rising number of informally manumitted freed slaves. It is therefore necessary to face, now, the broader issues that arise from the present argument: the knotty question of the spread of Latin citizenship in imperial times, and the scholarly approach towards *incerti*. This, then, is the task of the following chapters.

---

<sup>199</sup> On *incerti*, see the seminal study of Taylor 1961, who first suggested the use of this to indicate individuals of undisclosed legal status.





## CHAPTER II

### Latini (and other legal aliens) in the Roman Empire\*

#### I Introduction

After spending twenty-four chapters to sketch the geography of the Iberian provinces and to outline in minute detail either the legal status of the major settlements in the region or the different arrangements that tied them to Rome, Pliny the Elder informs the readers of his *Natural History* that the whole of *Hispania* had been granted the *ius Latii* by Vespasian.<sup>200</sup> The passage in question is scant on details and, more importantly, is the only surviving account of this major grant of Latin rights. As a result, scholars can only speculate about the time frame of Vespasian's edict,<sup>201</sup> about whether it applied only to Baetica or – more probably – to the whole of the Iberian provinces,<sup>202</sup> and ultimately about the motives that led Vespasian to grant these rights. Yet, while certainly one of the most extensive, Vespasian's grant of Latinity to a whole region was hardly without precedents: the people of the Maritime Alps were given Latin rights by Nero in AD 64;<sup>203</sup> and Claudius granted them to at least five communities in Noricum – Aguntum, Teurnia, Celeia, Iuvavum and Virunum, as well as to Tipasa in Mauretania.<sup>204</sup> It has moreover been suggested by Chastagnol that at some point either under the reign of Augustus or the dictatorship of Caesar the *ius Latii* was extended to Gallia Narbonensis.<sup>205</sup> Around 44 BC the very same right had

---

\*In this chapter, I will often refer to *ius Latii* and *Latium*, which I consider synonyms of 'Latin right', itself a way to indicate Latin citizenship. On the other hand, I define as 'Latin rights' the bundle of *iura* that derived from holding the *ius Latii*.

<sup>200</sup> Plin. *NH* 3.30.

<sup>201</sup> Part of the scholarship, for example Braunert and Wiegles, assigns this grant of Latin rights to Vespasian's censorship of AD 73/4, while others, like Bosworth, suggest a date much earlier in Vespasian's reign. An inscription dated AD 75/6, CIL II. 16010, which was set up by a man who received Roman citizenship by holding honours at Igabrum 'beneficio Imp. Caesaris Aug. Vespasiani', only allows us to appreciate that the grant was already in effect by that time. See Fear 1996, 144-7.

<sup>202</sup> Pliny's wording of *NH* 3.30 is particularly ambiguous, but according to Fear 'universa Hispania' can be taken to suggest that the grant was extended to all of the Hispanic provinces. While the surviving charters of cities with Latin rights all come from Baetica, Fear points out that a few towns and cities in the other provinces, such as Conimbriga in Lusitania and Aquae Flaviae in Tarraconensis, might have adopted the title 'Flavius' as a result of the grant. See Fear 1996, 138-9.

<sup>203</sup> Tac. *Ann.* 15.32; Sherwin-White 1973, 371.

<sup>204</sup> Pliny, *NH* 3.146 and 5.20; Levick 2015, 197-8.

<sup>205</sup> Chastagnol 1995, 117-8.

been granted to Sicily, again by Caesar,<sup>206</sup> and earlier in 89 BC Latinity was given to the people of the Transpadana by the consul Gnaeus Pompeius Strabo, through the provisions of the Lex Pompeia.<sup>207</sup> It should not come as a surprise, then, that in his *Natural History* Pliny lists numerous civic communities of Latin right throughout the western part of the Roman Empire, from the Hispanic provinces, to Gallia Narbonensis, to the two Mauretanian provinces, Africa Proconsularis and the numerous islands scattered across the Mediterranean. Latinity seems to have been particularly widespread in Gallia Narbonensis, where civic communities of Latin right appear to be the great majority of the ones mentioned by Pliny:

36. In mediterraneo coloniae Arelate Sextanorum, Baeterrae Septimanorum, Arausio Secundanorum, in agro Cavarum Valentia, Vienna Allobrogum. **oppida Latina Aquae Sextiae Salluviorum, Avennio Cavarum, Aptia Iulia Vulgientium, Alebaece Reiorum Apollinarium, Alba Helvorum, Augusta Tricastinorum, Anathia, Aerea, Bormani, Comani, Cabellio, Carcasum Volcarum Tectosagum, Cessero, Carantorate Meminorum, Caenicensis, Cambolectri qui Atlantici cognominantur, 37. Forum Voconi, Glanum Libii, Lutevani qui et Foroneronienses, Nemausum Arecomicorum, Piscinae, Ruteni, Samnagenses, Tolosani Tectosagum Aquitania contermini, Tasgoduni, Tarusconienses, Umbranici, Vocontiorum civitatis foederatae duo capita Vasio et Lucus Augusti, oppida vero ignobilia XVIII, sicut XXIII Nemausiensibus adtributa.** adiecit formulae Galba Imperator ex Inalpinis Avanticos atque Bodionticos, quorum oppidum Dinia. longitudinem provinciae Narbonensis CCCLXX p. Agrippa tradit, latitudinem CCXLVIII.<sup>208</sup>

Taking both literary and epigraphic sources into account, it can be inferred that a significant portion of the population living within the Roman Empire was endowed with the *ius Latii*. This conclusion is, unfortunately, one of the very few points on which the majority of those who have engaged with the debate on Latinity throughout the 19<sup>th</sup> and 20<sup>th</sup> centuries has come to agree on.<sup>209</sup> Almost every scholar who has written on Latinity has put forward their own interpretation of what being a bearer of Latin rights entailed; and while most of the contributions to this debate can be ascribed broadly to one of two antithetic schools of thought on the subject – one advocating the existence of a *ciuitas Latina* in the Roman Empire and one refuting such a notion – none of these theories can be fully reconciled with each other, not even the most similar

---

<sup>206</sup> Cic. *Att.* 14.121.

<sup>207</sup> Asc. *Pis* 3. However, according to Haeussler, Pompeius Strabo merely elevated a few towns and cities to the rank of Latin colony, rather than granting the *ius Latii* tot the whole of Transpadana: Haeussler 2013.

<sup>208</sup> There are also Ruscinus and Antipolis, mentioned respectively in *NH* 3.32 and 3.35

<sup>209</sup> The other point, to quote Humbert, being that ‘le droit latine, sous l’Empire, [...] est âprement discuté’. Humbert 1981, 207.

ones.<sup>210</sup> Much of the dissonance in the scholarly debate has to do with the varied and fragmentary nature of the surviving evidence, which is open to very different interpretations.

The arguments I am going to put forward in this chapter could be dismissed as merely adding another theory on Latinity in the Roman Empire to the already vast list. However, as will become apparent in what follows, I contend that a meticulous comparison of the different surviving sources – which must be arranged according to a hierarchy of evidence rather than being put uncritically side by side – actually offers the key for correctly understanding the nature of the *ius Latii* in the Roman Empire. The surviving text of a municipal charter, texts on Roman legal issues assembled by Roman jurists, the account of a naturalist, passages in Latin by a Roman historian and those in Greek written by a geographer who spent most of his life in Asia Minor: these are after all very different texts and narratives put together with different types of expertise and outlooks, and aimed at quite different readerships; they should therefore be “weighted” accordingly when compared to one another. Moreover, in addition to the evidence long central to the debate on Latinity, and cited in the previous sentence, I will also examine an additional body of evidence which, so far, has not been discussed in relation to Latinity in the Roman Empire: Book X of the *Epistles* of Pliny the Younger. Written by a man well-acquainted with the reigning emperor and, according to his published correspondence, often concerned to follow the ‘rightful’ course of action, these letters offer further proof of the existence of *ciues Latini* in imperial times and, more generally, provide insights into a society in which a varied spectrum of legal statuses existed, in which members of the same familial group could be of different legal condition, and in which the traditional dichotomies “free/slave” and “freeborn/freed” are just two different aspects of a wider differential equation.

## II The *ius Latii* throughout the 19<sup>th</sup> and the 20<sup>th</sup> Centuries

While the debate on Latinity in the Roman Empire is not as old as the discovery of the tablets of the *leges Malacitana* and *Salpensana* in 1851, there is no doubt that it has been sparked by the reference to “*ciues Latini*” that is found in §LIII of those municipal charters. One of the first scholars to address (briefly) the issue was Mommsen who,

---

<sup>210</sup> The stance of the scholars that reject the existence of a *ciuitas Latina* in the Roman Empire has been befittingly dubbed by Fear as the ‘minimalistic approach’. Fear 1996. 135.

when referring to that particular passage of the Lex Malacitana, wrote that '[...] *ciuis Latinus* ist incorrect wie *ciuis Graecus* und *ciuis Thrax* [...]', therefore dismissing the idea of a Latin citizenship altogether.<sup>211</sup> Mommsen's authoritative remark on Latinity gathered the general scholarly consensus for almost eighty years, until it was first questioned in 1966 by Braunert, who offered a new perspective on the *ius Latii* in the Roman Empire. By pointing out how the municipal charters of Malaca and Salpensa had been promulgated only several years after the grant of Latin rights to the Hispanic provinces (which he dated to Vespasian and Titus' censorship of AD 73/4), Braunert argued that the grant of Latinity to the whole of Spain was not originally intended as part of a more specific process of municipalisation, but rather that it was a personal and – at the same time – collective privilege. This qualified the Latin right as a sort of "universal" *ciuitas Latina* that only altered the status of persons, and did not require a connection to a local municipality in order to exist.<sup>212</sup> Crook further explored the idea that granting the *ius Latii* to a community would create a group of people that could be qualified as *ciues Latini*: having the opportunity to access Roman citizenship through holding magistracies, and by virtue of the rights they possessed when dealing with Roman citizens, such as the *ius commercium*, these *Latini* enjoyed a particularly favourable position that was between that of a *peregrinus* and a *ciues Romanus*.<sup>213</sup> The argument that someone could hold the *ius Latii* without being the citizen of a town or a city was later refuted by Galsterer, who demonstrated how a series of imperial edicts had been issued between the grant of Latin rights to the whole of Hispania and the promulgation of the *leges Malacitana* and *Salpensana*, most likely to provide guidance on how the residents of these two civic communities could enjoy their Latin rights while local municipal charters were being drafted.<sup>214</sup> Sherwin-White offered further proof that the grant of the *ius Latii* to a region was generally part of a broader process of municipalisation, not only in Spain but also elsewhere in the Roman Empire – with, perhaps, the only exception being the alpine tribal communities, which followed different patterns of urbanization.<sup>215</sup> However, Sherwin-White argued strongly in favour of the existence of a Latin citizenship in imperial times which, in his opinion, was not only related to the status of persons as suggested by Braunert, but, rather, was inextricably linked to the local civic communities.<sup>216</sup> By 1977 the idea that there

---

<sup>211</sup> Mommsen 1887/8, III, 611, n. 2.

<sup>212</sup> Braunert 1966, 68-83.

<sup>213</sup> Crook 1967, 43-4.

<sup>214</sup> Galsterer 1971, 37-45.

<sup>215</sup> Sherwin-White 1973, 360-75.

<sup>216</sup> Sherwin-White 1973, 375-9

existed in the Roman Empire a distinct category of *ciues Latini* that were neither peregrines nor Roman citizens had gathered enough scholarly consensus for Millar to sum up the general view thus: 'it is widely assumed [...] that under the empire those inhabitants of communities possessing "Latin rights" who did not possess the Roman citizenship [...] were *Latini*, and thus enjoyed some status in between that of *peregrines* and of full citizens'.<sup>217</sup> Critical of this notion, Millar argued that references to *Latini* in imperial sources other than the charters of Malaca and Salpensa were scant and ambiguous in nature. In particular, he observed that the term *Latinus* in Roman legal texts, such as the *Institutes* of Gaius, actually refers to Junian Latins, slaves who had been freed informally or imperfectly and were free under the provisions of the Lex Iunia, but not freeborn Latin citizens.<sup>218</sup> Millar also noted that Gaius made references to the category of *Latini coloniarii*, but he argued that those references were antiquarian in nature, and that these did not show that such a category was still in existence in imperial times.<sup>219</sup> A further implication was that the municipal charters might have followed the same usage of the term *Latinus* found in Gaius, and hence that the Latins mentioned in the *leges Malacitana* and *Salpensana* might have been *Junian* Latins rather than freeborn individuals endowed with *ciuitas Latina*.<sup>220</sup> Following Asconius and Strabo, for whom the Latin right merely conferred to the bearer the right of acquiring Roman citizenship by holding municipal magistracies,<sup>221</sup> Millar put forward, albeit 'purely tentatively',<sup>222</sup> the argument that no such concept as *ciuitas Latina* existed in imperial times, and that people endowed with the *ius Latii* simply were peregrines who had the possibility to acquire Roman citizenship *per magistratum*. Miller's theory was partially refuted by Humbert in an article that, however, sought mainly to challenge the idea of a generalised *ciuitas Latina* as put forward by Braunert. Humbert analysed at length the condition of Junian Latins, to conclude that 'Rome n'a pu concevoir un statut personnel détaché d'un *ciuitatis*'.<sup>223</sup> Following closely Mommsen's argument, Humbert argued that no universal Latin citizenship ever existed, and that – instead – the numerous Latin cities within the Roman Empire were all endowed with their peculiar *loca* citizenship. While Humbert conceded that the possibility to acquire Roman citizenship by holding a

---

<sup>217</sup> Millar 1977, 630-1.

<sup>218</sup> For a general introduction to the relevant issues, see Buckland 1908.

<sup>219</sup> Millar 1977, 632.

<sup>220</sup> Millar 1977, 633.

<sup>221</sup> Asc. *Pis.* 3; Strab. 4.1.12.

<sup>222</sup> Millar 1977, 635.

<sup>223</sup> Humbert 1981, 216.

magistracy was probably the most defining aspect of the *ius Latii*, he otherwise criticised Millar's argument that no freeborn individuals of Latin status existed in imperial times.<sup>224</sup>

In the same year that saw the publication of Humbert's article, new material was made available for the scholarly debate on Latinity in the Roman Empire, thanks to the fortuitous discovery of six well-preserved bronze tablets from a locality near the towns of El Saucejo and Algámitas, in the Spanish province of Sevilla. The six tablets were inscribed with clauses of the municipal law of the Municipium Flavium Irnitum, an otherwise unknown Roman town that was probably called Irni or Irnum, which partially overlapped with the surviving fragments of the charters from Malaca and Salpensa. A thorough edition of this new document was published in 1986 by González and Crawford, with a brief introduction and a commentary that, among other discussions, touched upon Latinity.<sup>225</sup> Reflecting on the fact that this version of the Lex Flavia Municipalis<sup>226</sup> makes references to *Latini* in a number of clauses not previously known through the other two charters, González concluded that 'it was a mistake to argue that there was no such thing as a *ciues Latinus*'.<sup>227</sup> While conceding that it was not possible to define in full what the status of a Latin entailed because of the loss of the opening clauses of the law, González concluded that, according to the document, Latin citizens were in possession of the institutions of *patria potestas*, *manus*, *mancipium*, manumission and legal guardianship, that they enjoyed *ius conubii* to an extent, and that they bore the *tria nomina* and even tribal affiliation.<sup>228</sup> The debate on the *ius Latii* that followed the publication of the Lex Irnitana was more evenly divided, with a number of influential scholars arguing both in favour and against the existence of Latin citizenship in the Roman Empire. One of the most critical arguments was put forward by Chastagnol, who opposed Crook's idea of Latinity as a sort of intermediate or inferior citizenship sitting between the condition of peregrine and the fully-fledged Roman citizenship. In his study on the Latin right in Roman Gaul, which had a distinct epigraphic focus and took into account González' remarks on the legal institutions

---

<sup>224</sup> Humbert 1981, 209, n. 8.

<sup>225</sup> González 1986.

<sup>226</sup> Given that the Lex Irnitana partially overlaps in places with the charters from Malaca and Salpensa, and in others with the so called Lex Villonensis and some fragments from (possibly) Italica and Duratón, d'Ors postulated that all these documents were local copies of a Lex Flavia Municipalis common to the whole province. While González' article was published in the same year, it follows the same terminology. See d'Ors 1986.

<sup>227</sup> González 1986, 148.

<sup>228</sup> González 1986, 148-9.

possessed by the citizens of Irni, Chastagnol suggested that Latinity had a collective rather than personal nature, and that '*Latini*' were the inhabitants of a peregrine community that had received some aspects of the *ius Latii* of old.<sup>229</sup> Rather than being part of a separate category, *Latini* were still peregrines – albeit of a more favourable condition than 'ordinary' peregrines, a conclusion not entirely dissimilar to Millar's;<sup>230</sup> yet, where Millar reduced the Latin right to the capacity of acquiring Roman citizenship by holding magistracies, Chastagnol interpreted the granting of the *ius Latii* as a broader tool for peaceful integration, which resulted in the introduction, in the affected peregrine communities, of many of the old rights enjoyed by the *prisci Latini*.<sup>231</sup> Chastagnol's theories on the lack of a Latin citizenship in the Roman Empire were endorsed and further explored by Le Roux, whose study was aimed at defining more precisely the limits and nature of the whole set of legal institutions inspired by the archaic Latin right.<sup>232</sup> At the other end of the scholarly debate, however, Fear argued strongly in favour of the existence of a Latin citizenship, in particular by criticizing Millar's interpretation of the *Latini* in the Hispanic municipal charters as Junian Latins.<sup>233</sup> More recently, Gardner advocated the existence of a form of local (Latin) citizenship when discussing the legal implications of the disposition of the Lex Irnitana concerning marriage, guardianship and manumission. Her study explored in particular aspects of dual citizenship for those citizens of Irni who became Romans, which she believed necessary in order for the Lex Irnitana to function properly, otherwise the law would have caused an 'unacceptable level of disruption to the personal lives of the local community'.<sup>234</sup> Yet, while Gardner challenged most of Millar's assumptions, she agreed with his identification of the *Latini* mentioned in the municipal law as Junian Latins.

This general overview of the main modern positions on the *ius Latii* under the Roman Empire is by no means exhaustive, but it presents the current state of play of the scholarly debate on Latinity. It also serves the purpose of outlining the theories I will be discussing in more detail on the following pages. As anticipated in the introduction to this chapter, the significant degree of disagreement on the issue might be the result of the fragmentary nature of the surviving evidence. Yet, as I will presently show, not

---

<sup>229</sup> Chastagnol 1995, 101-2.

<sup>230</sup> Chastagnol 1995, 54.

<sup>231</sup> Chastagnol 1995.

<sup>232</sup> Le Roux 1998, 315-41

<sup>233</sup> Fear 1996, 136-7

<sup>234</sup> Gardner 2001, 216.



enough attention has been paid to some of the ancient sources regarding the *ius Latii* in imperial times – and in particular the Hispanic municipal charters: the apparent dissonance of the different sources on Latinity can be reconciled through a more critical comparative approach.

### III Ciues Latini

As seen in the previous section, one of the most critical arguments against the existence of *ciues Latini* in the Roman Empire was put forward by Millar, whose theories rested mainly on the scarcity of references to this category of people in the Roman sources. Millar observed that the great majority of the passages referring to *Latini* in Roman legal writing actually concerned Junian Latins, informally or imperfectly freed slaves. Taking this theory one step further, he suggested that the two passages of the *leges Malacitana* and *Salpensana* that make references to *Latini* might have equally regulated matters that involved Junian Latins rather than ordinary residents of Latin right. Millar offered his own reading of the two passages in question and, while he could not present conclusive evidence in support of his interpretation, he contended that the possibility that those *Latini* were in fact Junian Latins could not be excluded.<sup>235</sup> Millar's theories were first published before the discovery of the Lex Irnitana, and hence do not take into account the other passage of the Lex Flavia Municipalis dealing with *Latini* that is known only through that document. Yet, it is important to remind that Millar chose not to modify his discussion of provincial Latinity in the 2<sup>nd</sup> edition of his monography, which was published in 1992 – a few years after the publication the Lex Irnitana. Moreover, Millar's interpretation has found support among other scholars who also have been writing about Latinity in the Roman Empire well after the discovery of the Lex Irnitana, most notably Gardner, whose reading of all the passages of the Lex Flavia Municipalis concerning *Latini* is, as seen above, in line with Millar's. Since the three municipal charters are the most prominent of the very few documents to mention (*ciues*) *Latini* under the Empire, establishing whether these individuals are Junian Latins or not has direct implications for understanding the legal condition of those endowed with the *ius Latii*. While Millar's theory on the use of *Latinus* as an alternative *terminus technicus* for 'Junian Latin' holds in regard to Roman legal texts, as I elaborated in the preceding chapter, I contend that there is

---

<sup>235</sup> Millar 1977, 633.

no real evidence in the Lex Flavia Municipalis to conclude that the same usage should apply to the Hispanic municipal charters, and that the actual content of the passages in question works against the possibility that they dealt with informally or imperfectly freed slaves. In what follows, then, I will re-examine the Lex Flavia Municipalis using the text established by Gonzalez and Crawford;<sup>236</sup> this text is based primarily on the tablets of the Lex Irnitana, but has been integrated with a few missing clauses that instead survive in the Lex Malacitana, one of which deals with *ciues Latini*. As with the previous section, I will make regular reference to the views of other scholars, but in this section limited to the issue of Latinity versus Junian Latinity in the context of legal practices in the Hispanic charters, with a particular focus on manumission procedures. I will begin by summarising the general overview of the structure of the charters offered by Millar, González and Gardner, before moving on to examining the clauses most relevant to the present study and offering my own reading and interpretation of the clauses in question.

The first clause of the Lex Flavia Municipalis to mention *Latini* is §XXVIII, which regulates manumission. Millar's interpretation of the passage rests on the careful analysis of the semantics of both this and the following clause of the municipal charters. In particular, Millar draws a parallel between the opening of §§XXVIII and XXIX, the one regulating *tutela*; and while he underlines that both regard '*municeps municipi Flavi Salpensani*',<sup>237</sup> he also stresses that only §XXVIII is addressed to '*municeps [...] qui Latinus erit*', a further specification which is not present in the following clause.<sup>238</sup> While Millar concedes that §XXVIII might refer to any *municeps* of Salpensa (or Irni, Malaca or any other *municipium* of Latin right), he argues that the locution '*qui Latinus erit*', which is not found anywhere else in the charter, could, as mentioned above, actually allude to Junian Latins. According to this interpretation, then, this clause outlines the correct procedure through which a Junian Latin – a '*full libertus*'<sup>239</sup> in Millar's words – could manumit (formally) his slaves; this form of manumission would result in the former slave acquiring the same legal status as his master, therefore becoming a '*optumo iure Latinus libertinus*'. This interpretation of §XXVIII has been reiterated more recently by Gardner, who also compared the semantics of this passage to those of §LXXII of the Lex Irnitana, which concerns the

---

<sup>236</sup> González 1986.

<sup>237</sup> In the case of the Lex Irnitana, the *municipium* is obviously called Flavium Irnitum.

<sup>238</sup> '[...] Quoi tutor non erit incertusue erit, si is eaue municeps munic[i]pi Flavi Irnitani erit [...]': González 1986, 157.

<sup>239</sup> Millar 1977, 633.

manumission of *serui publici*. Gardner argued that, if §XXVIII concerns the ordinary Latin citizens of Irni, the passage would simply deal with a regular procedure of manumission, and needlessly inform the reader that manumitted slaves received the same form of citizenship held by their former masters, just as it has been regulated by Roman law.<sup>240</sup> In Gardner's opinion such a passage would be superfluous, so she concludes that §XXVIII actually introduces an element of novelty, and deals with a procedure not known to ordinary Roman law. To be more specific, while Gardner argues that this passage regulates the manumission of slaves owned by Junian Latins, just as Millar did, she also suggests that the Junian Latins residing at Irni are endowed with a peculiar local franchise, as she believes §LXXII implies,<sup>241</sup> that would allow them to overcome the legal limitations set by Roman law, which prevented them from manumitting slaves formally or even from making a will. Thanks to this "Irnitana" municipal citizenship, then, Junian Latins residing at Irni could formally manumit their slaves before the *duoviri*; as a result, the manumitted slaves would attain the same legal status as their masters, becoming themselves both Junian Latins and citizens of Irni. There is yet a further degree of complexity: in a footnote, Gardner posited that if a citizen of Irni who was not a Roman citizen or a Junian Latin were to free a slave informally, their slave would 'in imitation of Roman law, be protected in freedom, although without any *ciuitas* of his own – but he would not be a Junian Latin'.<sup>242</sup>

A more critical opinion of Millar's theories was voiced earlier by González in the commentary of his edition of the Lex Irnitana. In particular, González argued that, for Millar's interpretation to be tenable and the *municipes* mentioned in §XXVIII to be Junian Latins, there must be somewhere else in the charter another clause dealing with the manumission of slaves owned by those (more numerous) residents who were not Junian Latins – a view that González did not deem likely. Thanks to the discovery of the six bronze tablets from Irni, González had access to a much more complete version of the Lex Flavia Municipalis than the one studied by Millar, which offered him a broader overview of the charter's structure and its content; thus, González argued that there could not be any room in the text for yet another clause on manumission other than §XXVIII.<sup>243</sup> González' ultimate conclusion was that §XXVIII outlines the procedures followed by the ordinary (Latin) *municipes* of Irni, and not by Junian Latins,

---

<sup>240</sup> Gardner 2001, 223.

<sup>241</sup> Gardner 2001, 224.

<sup>242</sup> Gardner 2001, 225, n. 28.

<sup>243</sup> González 1986, 206.

in order to manumit a slave.<sup>244</sup> This theory was later endorsed by Fear, with no significant changes.<sup>245</sup>

Having presented the arguments so far put forward by those scholars supporting and opposing the interpretation of the *Latini* of the municipal charters as Junian Latins, it is time to examine and discuss the text of the law directly, starting with §XXVIII.

XXVIII. R(ubrica). De ser(u)uis aput lluiros manumittendis. Si quis munic[eps] municipi Flauii Irnitani, **qui Latinus erit**, aput lluirum iure dicundo ei(ius) municipi, ser(u)m suum seruamue suam ex ser(ui)tute(m) in libertatem manumiserit, l(i)b(er)um liberamue e[us]se iusserit, dum ne quis pupillus neue quae uirgo mulierue sine tutoris auctoritate quem quamue manumitt[at], liberum liberamue esse iubeat, qui ita manumissus liber(um)ue esse iussus erit, liber esto, quaeque ita manumissa liberaue esse ius[s]a erit, libera esto, uti qui **optum[o] iure Latini libertini** liberi sunt erunt, dum (i)is qui minor XX annorum erit ita manumittat, si causam manumittendi iustam esse is numerus decurionum, per quem decreta h(ac) l(e)ge facta rata sunt, censuerit.<sup>246</sup>

28. Rubric. Concerning the manumission of slaves before the duoviri. If any municeps of the Municipium Flauium Irnitatum, **who is a Latin**, in the presence of a duumvir of that municipium in charge of the administration of justice manumits his male or female slave from slavery into freedom or orders him or her to be free, provided that no ward or unmarried or married woman may manumit or order to be free anyone, male or female, without the authority of a guardian, any male slave who has been manumitted or ordered to be free in this way is to be free, any female slave who has been manumitted or ordered to be free in this way is to be free, in the same way **as Latin freed persons with the fullest rights** are or shall be free; provided that someone who is under 20 may only manumit if the number of decuriones necessary for decrees passed under this statute to be valid decide that the grounds for manumission are proper. (Original edition of the Latin text and translation by M. H. Crawford, with minor modifications)<sup>247</sup>

It is evident from the very opening of the passage that this clause of the Lex Flauia Municipalis does not regulate manumission in general, but rather a formal procedure of manumission, one which involved the presence of the *duoviri iure dicundo*, the highest ranking magistrates in the cities of Irni and Salpensana.<sup>248</sup> The additional requirements listed further strengthen the impression that this clause regulates a formal act of manumission: if the manumittor is under twenty years of age, the slave can be set free only if a panel of *decuriones* declares the grounds for manumission to

---

<sup>244</sup> González 1986, 149.

<sup>245</sup> Fear 1996, 137.

<sup>246</sup> The clause is worded in a slightly different way from the equivalent clause of the Lex Salpensana, the one discussed by Millar, but the changes concern only minor details, and do not affect the general meaning of the clause, nor the arrangements that it sets forth. See ILS 6088 for the full text.

<sup>247</sup> González 1986, 156-7 and 184.

<sup>248</sup> For a discussion of the different ways to manumit a slave, see Buckland 1908.

be proper; not surprisingly, women and wards can only act in agreement with their guardians. The formal nature of this procedure is also signalled by its outcome: if a resident '*qui Latinus erit*' were to manumit his slaves before the magistrates of the city, said slaves would not simply obtain their freedom, they would also become '*optumo iure Latini libertini*', Latin freed people endowed with the fullest rights, the same enjoyed by their former master. As stated above, Millar interpreted this passage as evidence that a Junian Latin – 'a full *libertus*' (see above) – could own and manumit formally a slave, and confer to him his own status of '*Latinus libertinus*', i.e. Junian Latinity. However, I contend that this interpretation is problematic at best; and a brief detour into Roman law is needed to show why it does not hold.

It is well known through the *Epitome* of Ulpian that Junian Latins enjoyed the right of *mancipatio* with Roman citizens, *Latini coloniarii* and those peregrines who had been granted *commercium* – but this legal text is obviously much later than the Lex Flavia Municipalis.<sup>249</sup> According to Gaius, who (as stressed in the previous chapter) wrote in the mid 2<sup>nd</sup> century AD, *mancipatio* is an institution peculiar to Roman citizens.<sup>250</sup> Roman law traditionally divided property into two categories: most goods were considered *res nec mancipi* and could be sold or alienated freely, while Italic soil, slaves, beasts of burden and rustic servitudes, because of their paramount importance, were considered *res mancipi*, and their ultimate ownership – *dominium* – could only belong to a Roman citizen.<sup>251</sup> Those who were not in possession of *mancipatio* – like Junian Latins at the time of the Lex Flavia Municipalis – could own *res mancipi*, but only through transfer (*traditio*) and *in bonis*: they were to a great extent the owners of said property and could enjoy its benefit in full, but their ownership was only bonitary, since the quiritary one (and hence *dominium*) was reserved to Roman citizens.<sup>252</sup> While free, Junian Latins were not Roman citizens, and because of the (many) legal limitations put upon their status they could not be considered '*optimo iure libertini*'.<sup>253</sup> Junian Latins could own property and slaves *in bonis*, but they could not make a will and – while it might be possible that they could manumit *informally* – they certainly could not free a slave in a formal way, because

---

<sup>249</sup> *Tit. Ulp.*, 19.4.

<sup>250</sup> Gardner 2010, 199, n. 56.

<sup>251</sup> Gaius 2.14a.

<sup>252</sup> Buckland 1953, 123; Gaius 1.54.

<sup>253</sup> '[...] *optimo iure* es una expresión recurrente en el lenguaje legislativo romano cuando se trata de nombrar para un cargo o de conceder un privilegio, indicando que habrá de disfrutarse «de pleno derecho»': López Barja de Quiroga 1991, 58, n. 27.

*manumissio iusta* required the manumittor to be the quiritary owner of the slave, as highlighted by Gaius.<sup>254</sup> Given the formal nature of the manumission outlined in §XXVIII of the Lex Flavia Municipalis, and especially the elevation of the manumitted slave to full (civic) rights, it is apparent that their former owner, the ‘*municeps* [...] *qui Latinus erit*’, cannot possibly be a Junian Latin, if the procedure follows the rules of Roman law. As mentioned earlier, Gardner appears to be fully aware of this legal conundrum and, in order to salvage Millar’s interpretation of a *Latinus* as a Junian Latin in the Hispanic charters, she suggested that the Junian Latins of Irni and Salpensa are able to overcome their legal limitations, which would prevent them from manumitting their slaves formally, only thanks to the local franchise they enjoyed as residents of these towns.<sup>255</sup> In other words, the Junian Latins from §XXVIII are *not* acting like Junian Latins, but rather like citizens of Irni.

Gardner’s theory on the existence of this local “Irnitani” franchise is drawn from the full text of the Lex Irnitana, but the idea that it applied to Junian Latins as well is deduced especially from §LXXII, the one concerning the manumission of public slaves:

LXII. R(ubrica). De seruis publicis manumittendis. Si quis [duumvir] seruum publicum seruamue publicam manumittere uolet, is de eo deue ea ad decuriones conscriptosue, cum duae partes non minus decurionum conscriptorumue aderunt, referto censeantne eum eam{q}ue manumitti. Si e<or>um qui aderunt non minus duae partes manumitti censuerint et si is eaue eam pecuniam, quam decuriones ab eo eaue accipi censuerint, in publicum municipibus municipi Flauii Irnitani dederit soluerit satisue fecerit, tum {i}is lluir{is} i(ure) d(icundo) eum seruom eamue seruam manumittito, liberum liberamue esse iubeto. Qui ita manumissus liberue esse iussus erit **liber et Latinus esto, quaeue ita manumissa liberaue esse iussa erit libera et Latina esto, ei[dem]que municipi[us] municipi Flauii Irnitani** sunt, neue quis ab is amplius quam quod decuriones censuerint ob libertatem capito, n[e]ue facito quo quis ob eam rem eoue nomine quid ca[p]iat, inque eius, qui ita manumissus manumissaue erit, hereditate{m} bonorum possessione petenda operis dono munere idem iu{ri}s municipi Flauii Irnitani esto, quod esset, si municipi Italiae libertus liberta esset. Qui aduersus ea quid fecerit sciens d(olo) m(alo), is, quanti ea res erit, tantum in publicum municipibus municipi Flauii Irnitani d(are) d(amnas) esto, eiusque pecuniae deque ea pecunia municipi eius municipi qui uolet, cuique per h(anc) l(egem) licebit, actio petitio persecutio esto.

72. Rubric. Concerning the manumission of public slaves. If any [duumvir] wishes to manumit a male or female public slave, he is to raise with the decuriones or conscripti when not less than two thirds of the decuriones or conscripti are present, concerning him or her, whether they believe that he or she should be manumitted. If not less than two thirds of those who are present decide

---

<sup>254</sup> Gaius 1.35

<sup>255</sup> Gardner 2001, 224

that the manumission should take place and if he or she gives and pays this to the public account for the *municipes* of the *Municipium Flavium Irnitum* the sum which the *decuriones* decide should be received from him or her or gives security for it, then that *duumvir* in charge of the administration of justice is to manumit that male or female slave and order him or her to be free. Whatever man or woman has been manumitted and ordered to be free in this way is to be **free and a Latin and they are to be *municipes* of the *Municipium Flavium Irnitum***, nor is anyone to receive from them for their freedom more than the *decuriones* decide nor act in such a way that anyone receives anything for this reason or on this account; and the rights of the *Municipium Flavium Irnitum* in claiming the inheritance or the possession of the goods of the man or woman who has been manumitted in this way or over their *operae* or gifts or services are to be the same as if he or she were a freedman or freedwoman of a *municipium* of Italy. Whoever knowingly and with wrongful intent does anything contrary to these rules is to be condemned to pay to the public account for the *municipes* of the *Municipium Flavium Irnitum* as much as is at issue and the right of action, suit and claim of that money and concerning that money is to belong to any *municipes* of that *municipium* who wishes and who is entitled under this statute. (Same as above)<sup>256</sup>

In Gardner's words, 'slaves who are manumitted by the local town council are to receive not only local citizenship, but also the reward of (Junian) Latinity, in consideration of their public service'.<sup>257</sup> Yet, I argue that the text itself does not suggest that those *serui publici* manumitted at Irni would become Junian Latins, but rather that they would attain freedom, (full) Latin rights and the status of *municipes* of Irni. The law specifies that the *Municipium Flavium Irnitum* had the right of inheriting the estate (and claiming the *operae* and services) of those public slaves who are set free by the town council, which in Gardner's opinion further signals their legal condition as that of Junian Latins. However, as González, López Barja de Quiroga and Fear correctly pointed out, the *municipium* had the right to inherit the property of those *Latini* mentioned in §LXXII through *hereditas*, not *peculium*.<sup>258</sup> It is clearly stated in Gaius that only the property of a Junian Latin reverted to their former master through the right of *peculium*, whereas the patron of a freedman endowed with (Roman) citizenship was entitled to a share of his former slave's *hereditas*, the size of which depended on how many lawful heirs the deceased would leave behind.<sup>259</sup> It is evident, then, that the condition of a public slave manumitted at Irni and Salpensa was comparable to that of a formally manumitted *libertus*, as they both were endowed with citizenship and could have *heredes*, and not to that of an informally or imperfectly

---

<sup>256</sup> González 1986, 167-8 and 192-3.

<sup>257</sup> Gardner 2001, 225-6.

<sup>258</sup> González 1986, 223; López Barja de Quiroga 1991, 58; Fear 1996, 137; Weaver 1997, 65.

<sup>259</sup> Gaius 3.40, 3.42.

manumitted Junian Latin, who lacked these privileges. There is a further observation to make: one of the very few points on which scholarship agrees is that Irni and Salpensa were towns of *Latin* right, whatever that right entailed, whereas Junian Latinity was a *Roman* institution. From a legal standpoint, it seems improbable to me that a Latin town could bestow upon the public slaves it owned and manumitted a legal status that was peculiar to Roman law.<sup>260</sup>

Having challenged the possibility that the two clauses discussed above involved Junian Latins, I suggest instead that the *Latini* documented in the Lex Flavia Municipalis were actually *Latini coloniarii*, the other category of Latins known through Gaius and the *Epitome* of Ulpian. This hypothesis arises from a comparative reading of the different clauses of the charter. Even though §§XXVIII and LXXII regulate two different matters – using seemingly differing technical languages – when compared to each other they show interesting similarities. Both procedures had formal undertones and involved a *duumvir*: in the case of privately-owned slaves the manumission had to be carried out in the presence of the magistrate, whereas for public slaves the *duumvir* was the proponent of the act of manumission in the first place. Both were subject to the scrutiny of the *decuriones* and *conscripti*, who were called to vote on the rightfulness of the action whenever the manumitter of a privately owned slave was under the age of twenty, and in any instance of manumission of public slaves. Finally, both conferred on the former slave both freedom and the status of *Latinus* with full civic rights: '*optumo iure Latinus libertinus*'/'*Latinus et municeps municipi Flavi Imitani*'. It has been argued by González and Crawford that the *duoviri* were involved in these procedures because 'the powers here concerned belonged to municipal magistrates by virtue of being a residue of the powers held by Roman magistrates with *imperium* [...]'<sup>261</sup> However, my interpretation is that the Lex Flavia Municipalis additionally introduced an element of novelty by outlining new practices

---

<sup>260</sup> It is known through *Fragmenta Dositheana* 12 that the slave manumitted by a peregrine could not become a Junian Latin: 'Peregrinos manumissor seruum non potest ad Latinitatem perducere, quia Lex Iunia, quae Latinorum genus introduxit, non pertinet ad peregrinos manumissor es, sicut et Octauenus probat.' Dositheus Magister was active in the 4<sup>th</sup> century AD, long after the Edict of Caracalla of AD 212 had extended the right of Roman citizenship to all the free men and women living within the Empire, thus rendering the *ius Latii* obsolete. However, the institution of Junian Latinity was not abolished until the reign of Justinian. In this fragment, then, the technical locutions *Latinitas* and '*Latinorum genus*' can only be interpreted as Junian Latinity, and it should not come as a surprise that the grammarian makes no reference to the obsolete category of *civies Latini*. For a more thorough discussion on whether the Lex Iunia Norbana applied to both Roman and Latin citizens, cf. López Barja de Quiroga 1991, 56.

<sup>261</sup> González 1986, 206; See also d'Ors 1953, 143. Sherwin-White 1973, 330.



which, while clearly inspired by Roman civil law, nonetheless responded to the legal necessities of the local population of Latin right, and therefore drew away to a degree from the Roman institutions whence they originated.<sup>262</sup> Of these practices, the most original were certainly the ones concerning the manumission of both public and privately owned slaves. There are differences to notice and similarities to draw between the procedures of formal manumission found in Roman law and those of the Lex Flavia Municipalis. To begin with, both required the presence of an authoritative official: a magistrate *cum imperio* in Roman law, and at Irni one of the two *duoviri iure dicundo*, the highest ranking magistracy in town. Both were subject to limitations, not particularly stringent ones in the Lex Flavia Municipalis, more so in Roman law, where the *leges Fufia Canina* and *Aelia Sentia* imposed several restrictions on the number of slaves an owner could free and the criteria the slave needed to meet in order to be manumitted formally. Finally, both called a panel of dignitaries to decide upon whether a slave could be manumitted in those instances when all the requirements were not properly met. In Roman law, the *recuperatores* were tasked to judge whether there was sufficient ground to manumit *iusta causa* a slave when the master was under twenty years of age, or when the slave was under thirty years of age. On the other hand, at Irni (and in the other Hispanic *municipia*) the *decuriones* were called to formulate a similar decision only when the manumittor of a privately-owned slave was under twenty years of age, and whenever a public slave was to be manumitted. Although *municipes Latini* are only mentioned explicitly in the clauses discussed so far, it is important to stress that these novel legal procedures found in the Lex Flavia Municipalis were not limited to manumission, but also dealt with other juridical matters that cannot be examined fully in this chapter, since they transcend the scope of the present study. For example, §XXIX outlines a form of legal guardianship that is seemingly modelled on Roman *tutela*, which constitutes a distinct element of innovation. There can be no doubt that this clause only concerned those *municipes* of Irni endowed with Latin rights, as Roman citizens already possessed their own institution of legal guardianship.<sup>263</sup> Similarly, §XXII suggests that the (Latin) residents of Irni enjoyed the institutions of *potestas*, *manus* and *mancipium*.<sup>264</sup> It follows that all

---

<sup>262</sup> In Galsterer's opinion, the legal concepts embodied by the Lex Flavia Municipalis, although quintessentially Roman, were still interpreted in the light of earlier, native legal practices, a process that he calls '*interpretatio peregrina*': Galsterer 1986, 13ff. This view has been reiterated more recently also by Fear 1996, 163.

<sup>263</sup> The institution of *tutela* in Roman legal practices is explored at length by Gaius in the second half of the first commentary of his Institutes.

<sup>264</sup> González 1986, 148.

of these ‘regional’ legal practices would not concern the resident population at large, but only those *municipes* endowed with Latin rights, i.e. *ciues Latini*, and would regulate their dealings in several ordinary matters, like *tutela* and manumission. Following this reasoning, then, §XXVIII details the practices that the Latin citizens of Irni, and the Latin citizens only, had to follow in order to manumit their slaves. Along the same lines, those *municipes* of Irni who were Roman citizens would have been expected to follow Roman legal practices, whenever dealing with manumission and in any other aspect of their lives.<sup>265</sup> These practices would not be detailed in the charter, as implied by the structure and content of the above mentioned §XXIX, which alludes to the Roman *tutela* without giving any account of what rights and obligations that institution entailed. The fact that Roman law and ‘Latin’ procedures were in force at the same time should not surprise: at §LXXXIII the charter itself declares that the *municipes* are to follow Roman civil law in all those instances and matters not governed by the statute.<sup>266</sup> In my opinion, the charter goes to particular length to regulate in detail how slaves of Latin residents were to be manumitted, and what legal status they were to acquire, because manumission granted access to both Latin rights and local citizenship, and could have a tangible impact on the composition of the civic body. Other matters might have been considered of lesser relevance for the public life of the *municipium* and, hence, left to the regulation of well-honed Roman legal practices, which need not be included in the charter as the interested parties were expected to know them well enough, at least by the original drafters of the document.<sup>267</sup>

The Lex Flavia Municipalis mentions *Latini* in one other instance – §LIII – through the peculiar locution *Latini ciues*, which is only attested elsewhere in the Tabula Siarensis, a document that details the funerary honours decreed for Germanicus by the Senate and which will be discussed below.<sup>268</sup> The clause in question is part of a rather lengthy section of the statute that outlines how elections are to be carried out in the

---

<sup>265</sup> González 1986, 206.

<sup>266</sup> LXXXIII. R(ubrica) De iure municipum. Quibus de rebus in h(ac) l(ege) nominatim cautum{ue} scriptum<ue> non est, quo iure inter se municipes municipi [Flau] Irnitani agent, de iis rebus omnibus ii inte[r se] agunto, quo ciues Romani inter se iure ciuili agunt agent. Quod aduersus h(anc) l(egem) non fiat quodque ita actum [sit, quod eius] si[ne d(olo) m(alo) fiet] atumque erit, id ius ratumque esto.

<sup>267</sup> *Contra* Fear, who believes that the local population, including the curial class, was unlikely to be acquainted with Roman legal practices to use the *ius ciuile* in their ordinary dealings: Fear 1996, 163.

<sup>268</sup> González 1984, 55-100.

*municipium*. These instructions only survive in the charter from Malaca, but they surely applied also to Irni and any other Hispanic town of Latin right that fell under the authority of the Lex Flavia Municipalis.

LIII. R(ubrica). Quicumque in eo municipio comitia lluiris, item aedilibus, item quaestoribus rogandis habebit, ex curiis sorte ducito unam, in qua incolae, qui **ciues R(omani) Latiniue ciues** erunt, suffragi[a] ferant, eisque in ea curia suffragi latio est.

53. Rubric. In which curia incolae may cast their votes. Whoever holds an election in that municipium for choosing duoviri, likewise aediles, likewise quaestors, is to draw one of the curiae by lot, in which incolae **who are Roman or Latin citizens** may cast their votes, and the casting of their vote is to take place in that curia. (tr. Crawford)<sup>269</sup>

The text is fairly straightforward in stating that, at Malaca, those who were domiciled in town but did not hold the local franchise could cast their vote during the elections, provided that they were either Roman citizens or Latin citizens. It has been suggested by Millar that the *Latini ciues* who appear in this clause might again be Junian Latins, considering that two similar expressions appear in '[...] the *Institutes* of Gaius §15, 'ciues Romanos aut Latinos', and §16, 'ciuem Romanum modo Latinum', both referring to freed slaves [...].<sup>270</sup> These quotations, however, are part of two larger explanatory notes on manumission procedures *at Rome*. Examining these two passages in full there can be no doubt that, while *Latinus* and its derivatives here mean Junian Latin, the term is, however, never associated by Gaius (1.15) with *ciuis*:

XV. Huius ergo turpitudinis seruos quocumque modo et cuiuscumque aetatis manumissos, etsi pleno iure dominorum fuerint, **numquam aut ciues Romanos aut Latinos fieri** dicemus, sed omni modo dediticiorum numero constitui intellegemus. XVI. Si vero in nulla tali turpitudine sit seruus, manumissum **modo ciuem Romanum modo Latinum fieri dicemus**.

15. From this we understand that slaves who have been guilty of (the aforementioned) criminal acts, regardless of what way or at what age they may have been manumitted, even though they were under the fullest authority of their masters, they **can never become either Roman citizens or (Junian) Latins**, but must always be included among the *dediticii* (those enemies who have surrendered at discretion). 16. If, however, a slave has not been guilty of such criminality, we declare that he can be manumitted **in way so he becomes a Roman citizen, or in a way so he becomes a (Junian) Latin**.

---

<sup>269</sup> González 1986, 188.

<sup>270</sup> Millar 1977, 633.

These passages cast light on those instances when a slave who was manumitted assumed the status of a *dediticius*, by informing the readers that slaves who have committed a series of punishable acts (or who have been chained) can never become either Roman citizens or Junian Latins.<sup>271</sup> The use of the double disjunctive conjunction '*aut ... aut*' and the comparable linguistic construct '*modo ... modo*' make it very clear that *ciuis Romanus* and *Latinus* are two separate and mutually exclusive categories, therefore the term *ciuis* cannot apply to *Latinus*. None of this is new; and I have already discussed several of the related issues in the preceding chapter. Yet, for clarity's sake, some reiteration is in order. Thus, while free, Junian Latins were not endowed with citizenship, as Gaius states plainly in book III, '*Latinos [...] liberos [...] etsiamsi non essent ciues Romani*', so it is improbable that the redactors of the Lex Flavia Municipalis, or Gaius, would have used the locution *Latini ciues* to refer to Junian Latins.<sup>272</sup> Furthermore, since they were not Roman citizens, imperfectly or informally freed slaves lacked the legal capacity to vote, an implication that further rules out the possibility that the *Latini ciues* mentioned in §LIII were Junian Latins. Moreover, additional evidence that those *Latini ciues* mentioned in the Lex Irnitana were Latin citizens rather than Junian Latins can be gathered from the Tabula Siarensis, the only other text where this locution is attested.<sup>273</sup> The document is quite damaged; however, the lines that mention *Latini ciues* (frag. b, col I, line 8) are preserved enough to convey what legal category the expression defined in that document:<sup>274</sup>

---

<sup>271</sup> The 'fate' of *dediticii* is explored in Roth 2011.

<sup>272</sup> Gaius 3.56.

<sup>273</sup> It is important to note that a reference to communities of *ciues Latini* **might** be found in a few inscriptions from Birrens and Castlesteads, set up by soldiers belonging to Cohors II Tungrorum, who is indicated as '*coh II Tungr mil eq c I*'. The existence of three of these inscriptions (RIB I, 2092, 2104, 2110) was already known to Millar who, however, refuted the possibility that the letters '*c I*' should be read as '*c(ivium) L(atinorum)*', a locution that would designate the status of Latin citizen enjoyed by the soldiers who served in that cohort, similarly to the appellation of '*c(ivium) R(omanorum)*' held by those units recruited among Roman citizens: Millar 1977, 634. However, the hypothesis that the Tungrian soldiers stationed at Birrens and Castlesteads might have been Latin citizens was later endorsed by Alföldy (1986) and Saddington (2004). While we cannot discount entirely the possibility that the letters '*c L*' inscribed on these monuments should indeed stand for '*c(ivium) L(atinorum)*', the likelihood that the Tungrians soldiers were Latin citizens seems rather slim. This position is strengthened by Tomlin's considerations, who observed that (some of) the inscriptions from Castlesteads were set up after the promulgation of the *constitutio Antoniniana*, which extended the Roman franchise to all the eligible individuals living within the borders of the Empire, effectively rendering Latin citizenship obsolete: Tomlin 2018, 148, with reference to RIB I, 1983. For this reason, I have chosen not to discuss these documents in the present chapter, since they cannot provide evidence either for or against the existence of Latin citizens in imperial times.

<sup>274</sup> I follow the text produced by Crawford 1996, number 37, 515-27

[...] neue quid eo die rei seriae publice agere [liceret mag(istratibus) p(opuli) R(omani) iisque qui i(ure) d(icundo) p(raerunt) in] municipio aut colonia c(iuium) R(omanorum) aut Latinorum [...]

[...] and neither should any important public business be conducted on that day by the magistrates of the Roman people and by those who who have jurisdiction in a *municipium* or colony of Roman citizens or Latini (citizens) [...]

Among the different funerary honours decreed by the Senate for Germanicus there is one that prescribed that the magistrates should not carry out public duties on the anniversary of his death. This restriction did not apply only to Rome and the other provincial seats of power, but to all the *municipia* and colonies that were inhabited by Roman and Latin citizens alike. Interestingly, the Senate signaled that the decree is to be applied in every civic community of Roman or Latin right by making direct reference to the status of their residents. There is a parallel to draw between the two categories of *ciues Romani* and *ciues Latini*, and the logical implication is that the main civic body of the *municipia* and *coloniae* of Latin right was constituted by *ciues Latini*, in the same way as Roman *municipia* and colonies were inhabited primarily by Roman citizens. Put this way, the whole argument might sound self-evident and essentially redundant. But is important to stress that this document, a highly official *senatus consultum*, has not been discussed enough by those scholars who oppose the idea that a legally-defined category of Latin citizens existed under the Roman Empire, and is rarely mentioned even in those studies that instead support this notion.<sup>275</sup> Given the similarities between the two texts, I suggest that the *Latini ciues* of the Lex Flavia Municipalis can only be those *incolae* who, while not being *municeps* of Malaca, are still entitled to vote because of the local franchise they hold in another civic community of Latin right, in the same way as those *incolae* who are Roman citizens can vote by virtue of their Roman citizenship.<sup>276</sup>

---

<sup>275</sup> A brief mention of the Tabula Siarensis can be found in Fear 1996, who observed that this document disproves Millar's conjectures, without, however, stressing enough the highly official nature of the Tabula: Fear 1996, 137. More relevance to the importance of the Tabula Siarensis on the topic at hand has been given by its first editor, González: González 1984 and 1999.

<sup>276</sup> This conclusion is the same reached by Humbert, who did not, however, discuss the Lex Flavia Municipalis in relation to the Tabula Siarensis, since that document had not been discovered yet. Humbert 1981, 216: 'Le sens de la formule est en réalité très clair. Ne pourront voter que les incolae qui sont citoyens romains et ceux qui appartiennent (par leur origo) à une cité latine (colonie, municipe ou simple civitas latina), par opposition aux exclus, le cives d'une cité pérégrine quelconque non Latine.'

'*Ciues Latini*', '*municeps* [...] *qui Latinus erit*', '*optumo iure Latinus libertinus*', '*Latinus* [...] *et municeps*'. While these expressions are not mutually exchangeable, as each has its own legal connotation, it is now quite evident that, in the Hispanic charters, they all designated an individual in possession of the *ius Latii*, or at least someone endowed with the local franchise of a civic community of Latin right. Yet, as the previous chapter established, it is a fact that, in the Roman legal sources, the term *Latinus* and its derivatives usually stand for 'Junian Latin', and references to *Latini coloniarii* are otherwise limited. This undeniable inconsistency between the Hispanic charters and the Roman juridical sources has been regarded by part of the scholarship as evidence that no individuals of Latin rights existed under the Empire. However, I contend that this incongruity of language and content becomes more seeming than real if we take into account that the two categories of documents served different purposes, and were written for different audiences. While the Lex Flavia Municipalis was composed by Roman legal draftsmen, its main purpose was to regulate the civic life of the Hispanic towns of Latin right.<sup>277</sup> On the other hand, Gaius and other Roman jurists wrote to describe and clarify the different aspects of Roman civil law. Gaius in particular, moreover, wrote a textbook laying out normative practices and requirements. It can be inferred that the intended readership was primarily made up of Roman citizens, who would consult such works when dealing with ordinary Roman legal practices – such as marriages, contracts, manumission and inheritances. Moreover, although the *ius Latii* of imperial times was a much-used legal tool put together by the Romans in the Republic and perfected ever since, it is important to stress that – strictly speaking – it was never a Roman institution, whereas Junian Latinity became an important facet of manumission procedures since its introduction in the early decades of the Empire. It is, therefore, logical that Gaius and other jurists would discuss at length the condition of Junian Latins, informally or imperfectly freed slaves of a *Roman* citizen, while devoting less attention to *Latini coloniarii*. Limited references to people of Latin rights can be found in the few passages that clarify how those who are subject to Roman law should act when entering a legal agreement with someone endowed with the *ius Latii*, as well as the outcome of these practices. For example, Gaius observes that a (male) Junian Latin can set in motion the procedure of *anniculi probatio* only by marrying either another

---

<sup>277</sup> González 1986, 214 and 238; Galsterer 1988, 78 ff.; Fear 1996, 161.

Junian Latin, a Roman citizen or a *Latina coloniaria*.<sup>278</sup> In a similar manner, the *Epitome* of Ulpian informs the reader that there exists a mutual right of *mancipatio* between Roman citizens, Junian Latins, *Latini coloniarii* and peregrines with *commercium*, thereby providing guidance for those who intend to buy or sell *res Mancipi*.<sup>279</sup> There is also a less explicit reference to people of Latin rights in one of the many clauses of the first commentary of Gaius devoted to exploring marriage practices. Although the passage in question is fragmentary, it is preserved enough to gather that the marriage between a person endowed with Latin rights and a Roman citizen followed the same rules of the union between a Roman citizen and a foreigner without *conubium*, as established by the Lex Minicia (de liberis).<sup>280</sup> Still in the *Institutes* of Gaius, it is stated twice that Junian Latins were called *Latini* because their personal status resembled the status of *Latini coloniarii*.<sup>281</sup> It is evident, then, that the slightly obscure term *Latinus* carried two different meanings: equating what the term defines in the Hispanic charters – a person endowed with the *ius Latii* – with the meaning it carried in Roman juridical texts – a Junian Latin – would ultimately deny the intrinsically different natures of these documents.

It is now apparent that the uniqueness of the Lex Flavia Municipalis and its direct involvement in ordinary Latin matters make this document the most prominent piece of evidence for the existence of individuals of Latin right under the Empire. However, a fuller understanding of the condition attached to the *ius Latii* can only be reached by integrating the Hispanic charters with all the other documents related to *Latini*, including the relevant Roman juridical texts.

#### IV *Ius Latii*: a pathway to Roman citizenship?

The founding of the Latin colony of Carteia in 179 BC has been identified by Sherwin-White as a significant turning point in the evolution of Latinity, a 'process by which *Latium* passed from a geographical and tribal or sub-national concept to the idea of a social and political status or class [...]'.<sup>282</sup> Although this process would take several

---

<sup>278</sup> Gaius 1.29.

<sup>279</sup> *Tit. Ulp.* 19.4.

<sup>280</sup> Gaius 1.79: 'Adeo autem hoc ita est ut... (desunt lin. 2.)...non solum exterae nationes et gentes sed etiam, qui Latini nominantur: sed ad alios Latinos pertinent, qui proprios populus propriasque civitates habebant et erant peregrinorum numero'

<sup>281</sup> Gaius 1.21 and 3.56.

<sup>282</sup> Sherwin-White 1973, 114.

more decades to reshape fully the old *iura* of the Latins into the Latin right of imperial times, the foundation of Carteia in Spain still signals the moment when the *ius Latii* lost its geographical connotation to become a juridical concept.<sup>283</sup> As Latinity changed in nature and scope, it retained some of the rights that had been enjoyed by the original communities of the *prisci Latini*, while losing some others and acquiring new prerogatives. Most scholars agree that the old *ius Latii*, as it emerged after the end of the Latin War, conferred the rights of *commercium* and *conubium*; the existence of a third fundamental right, referred to often as the *ius migrandi* which would have allowed those Latins who settled at Rome to become Roman citizens, has recently been put into question.<sup>284</sup> Of these original prerogatives, *commercium* was left largely unchanged throughout the centuries; under the Empire it was still enjoyed by individuals of Latin rights, as attested by their capacity to undertake *mancipatio*.<sup>285</sup> The right of contracting a legal marriage with Roman citizens, on the other hand, was not a defining aspect of the imperial *ius Latii* anymore: since the promulgation of the Lex Minicia de liberis, presumably before the Social War, the marriage between a Roman and a Latin followed the general provisions which regulated non-lawful unions.<sup>286</sup> The right of acquiring Roman citizenship by settling at Rome, if it ever was a feature of the early Latin right, was at the latest lost at some point under the Republic. However, already by 89 BC Latinity had seen the introduction of the *ius adipiscendi civitatem Romanam per magistratum*, which granted Roman citizenship to those who held magistracies in a community of Latin right. The new right profoundly re-shaped the nature of the *ius Latii*; not surprisingly, it was considered by Asconius and Strabo, as seen at the beginning of the chapter, as the key aspect of Latinity, an opinion also shared by part of the modern scholarship.<sup>287</sup> Yet, it seems logical to me that the right of acquiring Roman citizenship was only a facet of Latinity, and that only a minority of the individuals endowed with the Latin right ever managed to become Roman citizens. The Lex Flavia Municipalis extended the Roman franchise also to the parents, wives, children and grandchildren born to a son of the outgoing annual magistrates; but even taking into account this extension, it stands to reason that, each

---

<sup>283</sup> Sherwin-White 1973, 101.

<sup>284</sup> Broadhead 2001.

<sup>285</sup> *Tit. Ulp.* 19.4.

<sup>286</sup> A letter sent by Domitian to Irni suggests that the statute included an (otherwise lost) clause which regulated some instances of marriage, but the presence of such a clause does not necessarily imply that the Latin *municipes* of Irni enjoyed the *ius connubii*, as the letter itself seems to rule out. Although *conubium* was not routinely part of the imperial *ius Latii*, it could still be granted to individuals and communities as an additional right

<sup>287</sup> Asc. *Pis* 3; Strab. 4.1.12; Millar 1977.



year, only a limited number of people would acquire Roman citizenship through this route, especially considering that those who were already Roman citizens were by no means excluded from holding magistracies.<sup>288</sup> The numbers might have increased slightly after Hadrian created a new category of Latin rights, *Latium maius*, which conferred the right of acquiring the Roman citizenship also to the *decuriones*. However, the fact that we only know of one town that documented to ever have secured the *Latium maius* makes the impact of the Hadrianic grant on the number of Latins who obtained Roman citizenship extremely difficult to assess.<sup>289</sup> Those who lacked the legal requirements, the financial means or the political influence to secure a magistracy (or the *decurionatus*) could effectively become Roman citizens only by marrying a Junian Latin for the purpose of the *anniculi probatio*, or thanks to a personal grant bestowed by the Emperor.<sup>290</sup> Both these routes presented significant limitations and, while it is likely that the overall number of Latins who acquired the Roman franchise through them was greater than those who became Roman citizens by holding a magistracy, nevertheless they were not ordinarily accessible to everyone.<sup>291</sup> Thus, it is reasonable to infer that the majority of individuals endowed with Latin rights never underwent a change in civic status, and instead remained *Latini* throughout their lives.

#### V *Ciues Latini* in the surviving evidence: grants of citizenship in the *Epistles* of Pliny the Younger

Even before Vespasian's grant to the 'whole of *Hispania*', the *ius Latii* had been relatively common in some of the western provinces of the Empire, and especially in

---

<sup>288</sup> Clause 54 of the Lex Flavia Municipalis states that the position of magistrate is open to 'ex eo genere ingenuorum hominum, de quo h(ac) l(ege) cautum conprehensumque est', i.e. the *municipes* of the town in question. González 1986, 215-216. For a similar view, see Lavan 2016, 11-2.

<sup>289</sup> The town in question is Gightis in Afria procursularis. Its acquisition of the *Latium maius*, following a delegation led by Marcus Servilius Draconius Albucianus to Rome in order to petition for this right is recorded in CIL VIII, 22737.

<sup>290</sup> I have excluded from the list military service, which granted Roman citizenship to soldiers after honourable discharge (or after a number of years of service), and in earlier times also to their wife and children. Although service in the army was probably a significant venue for acquiring *ciuitas Romana*, it was obviously precluded to some categories of individuals – most notably women, and the long years of service required meant that only younger men could aspire to gain citizenship in this way. On grants of citizenship to soldiers serving in the army (and to their families), see Holder 1980; Phang 2001.

<sup>291</sup> For example, the procedure of *anniculi probatio* was accessible only to those able to procreate, and whose offspring managed to reach one year of age. Similarly, obtaining an imperial grant of citizenship required connections that were not within everyone's reach.

*Gallia Narbonensis*, where the vast majority of the *municipia* and colonies followed the Latin right. Under the Flavians and the subsequent emperors, Latin communities became even more widespread in the whole of the West, and as a result a growing number of individuals came to be Latin citizens through the local franchise they held in those communities. Yet, even though a significant number of the people who lived in the Empire were endowed with the *ius Latii*, there seems to be little surviving evidence of the existence of actual *ciues Latini*, not only in Roman towns and cities, but even in the civic communities of Latin right. More importantly, the only epigraphic documents left by individuals endowed with the *ius Latii* are the few inscriptions set up by former Latin magistrates to commemorate their acquisition of Roman citizenship at the end of their term.<sup>292</sup> While at first this apparent lack of evidence could be considered proof that no legally-defined category of *ciues Latini* existed under the Empire, and that the *ius Latii* was little more than a way for the magistrates of a peregrine town to acquire the Roman franchise, I believe that it is rather an outcome of the fragmentary nature of the sources.

Among the surviving bodies of evidence, Latin epigraphy is arguably the most extensive source of prosopographical information; yet, as a medium it possessed only limited tools to convey the legal status of its users and of those whom they wanted to commemorate, unless they were Roman citizens: we will return to this matter in chapter 4. And while Latinity had many distinctive facets and might have had a significant impact on different aspects of the day-to-day life of those who enjoyed it, at its core it was essentially a legal status, the expression of an institution devised by the Romans – the *ius Latii*. The most immediate datum that can be gathered from the great majority of the surviving Latin inscriptions is the onomastic one, which, not infrequently, is also the only piece of information offered by these documents. But while names can often provide an insight into the socio-cultural background of their bearers, onomastics is not a reliable indicator of legal status. As already emphasized in the previous chapter, it has been remarked more than once that scholarship currently lacks the means to identify Junian Latins in the surviving bodies of evidence at large, and more so in inscriptions, because of the adoption of the *tria nomina* by many Junian Latins – a typical Roman naming practice in the period from which most of the epigraphic evidence hails.<sup>293</sup> However, it stands to reason that this lack of

---

<sup>292</sup> CIL II, 1945; 291; 308; 631.

<sup>293</sup> On the topic, see Salway 1994; Gardner 2001, 224; Roth 2016, 107.

evidence might be more apparent than real, and that a fair number of the so-called *incerti* found in inscriptions – individuals of undisclosed legal status – might actually be Junian Latins. Similarly, I contend that, while Latin citizens likely also used the epigraphic medium, the onomastic patterns they adopted make it equally difficult to identify them in inscriptions.

At some point during his reign Claudius forbade peregrines from using the Roman *nomina gentilicia*, a measure that might or might not have been related to his broader decision to sentence to death those who usurped the privilege of the Roman citizenship.<sup>294</sup> If Roman naming conventions had already spread to some peregrine communities,<sup>295</sup> as Claudius' provision shows, then it can be argued that it might have been adopted by some individuals of Latin right as well, all the more considering that the imperial restriction most likely did not apply to them. Evidence of this habit might be gathered once more by the few inscriptions commissioned by those former Latin magistrates who decided to commemorate their acquisition of the Roman franchise, which are the only known epigraphic documents to mention individuals who had been endowed with the Latin right at some point in their life. While these inscriptions do not allow us to ascertain whether these individuals had adopted the *tria nomina* before becoming Roman citizens, it is still interesting to stress that they all had 'proper' Roman *cognomina*, such as Novatus, Niger, Rusticus and Rufus. Whenever someone acquired Roman citizenship (or Junian Latinity), their old *simplex nomen* would usually become part of their new name as a *cognomen*; considering this habit, then, it is evident that – at the very least – all the aforementioned magistrates had used popular Roman *simplex nomen* while still being a Latin. At the same time, it cannot be excluded that other individuals of Latin right might have continued to use more traditional – 'peregrine' – naming practices, which in inscriptions would be rendered as a *simplex nomen* followed by filiation, as implied by a few epigraphic documents from Nemausus, Carteia and other cities of Latin right.<sup>296</sup> Thus, the apparent lack of *ciues Latini* in epigraphic sources cannot be interpreted as evidence that such a

---

<sup>294</sup> Suet. *Claud.* 25: 'peregrinae condicionis homines vetuit usurpare Romana nomina dum taxat gentilicia. Civitatem R. usurpantes in campo Esquilino securi percussit.'

<sup>295</sup> With 'Roman naming conventions' I indicate not simply the *tria* or *duo nomina*, but rather all the different Roman onomastic practices and trends documented by Salway in his seminal article on the topic. See Salway 1994.

<sup>296</sup> Fear 1996, 158; a comprehensive study of the peregrine nomenclature in Gallia Narbonensis, including example from the Roman colonies, can be found in Chastagnol 1995, 51-71.

category did not exist under the Empire, as it is likely that some of the *incerti* bearing *tria nomina*, and even some of those individuals with a peregrine nomenclature, were actually Latin citizens.<sup>297</sup> After all, only few Junian Latins are known by scholarship, despite them making up a (legal) group of unknown yet probably significant proportions; and only one, Lucius Venidius Ennychus, is attested epigraphically.<sup>298</sup> Even more interestingly, Ennychus appears as an *incertus* in the only major inscription where he is featured, the so-called ‘Album of Herculaneum’: as we have seen in the previous chapter, his legal status is known only indirectly, thanks to a few documents that belonged to his private dossier.<sup>299</sup> It can be argued that, as Ennychus, Latin citizens might have left relevant traces of their legal status in documents other than epigraphic material, such as personal files, letters, wills, *diplomata* and registers detailing the recipients of the Roman citizenship:<sup>300</sup> but such documents did not usually stand the test of time as easily as an inscription set in stone could.

Fortunately, the *Epistles* of Pliny the Younger can fill – albeit partially – the gap left by these less durable bodies of evidence, thanks to a few letters addressed by Pliny to the emperor Trajan to petition for the grant of the Roman citizenship to several of his acquaintances, some of whom might have been *ciues Latini*. Sent for the most part in the years preceding Pliny’s governorship of Pontus et Bithynia, these letters offer somewhat different insights to the the correspondence from AD 109/110 onwards.<sup>301</sup> Pliny’s initial letters are usually collected with Trajan’s reply, and both the language employed and the circumstantial evidence that can be gathered from the continued correspondence between the two allow us to shed light on the legal status of the beneficiaries, and on the reasons behind the different grants.

The first request that we know of was addressed to Trajan around AD 98,<sup>302</sup> and while the letter appears to have been sent primarily to petition for the grant of Roman citizenship to Harpocras, a peregrine *iatriplita* who had treated Pliny’s severe illness,

---

<sup>297</sup> For an overview of the onomastic practices followed by several Latin communities, see Alföldy 1966.

<sup>298</sup> For a discussion of the ‘Album of Herculaneum’, see Chapter I.

<sup>299</sup> The two most relevant documents are AE 1959, 297 and AE 2006, 306. See also Camodeca 2006c.

<sup>300</sup> The Tabula Banasitana mentions a central register detailing the recipients of the Roman citizenship since the reign of Augustus. For one of the first edition of the text, see AE 1961, 142. For a more recent study, see Purpura 2012c.

<sup>301</sup> On the nature of Pliny’s exchange with Trajan, see now Lavan 2018.

<sup>302</sup> The dating of Pliny’s letters here followed is the one suggested by Sherwin-White 1966, 566.

towards the closing of the letter Pliny also asks the emperor to extend the “right of citizenship” to the freedwomen of Antonia Maximilla, one of his relations:

V. C. PLINIUS TRAIANO IMPERATORI

1 Proximo anno, domine, gravissima valetudine usque ad periculum vitae vexatus iatralipten assumpsi; cuius sollicitudini et studio tuae tantum indulgentiae beneficio referre gratiam parem possum. 2 Quare rogo des ei civitatem Romanam. Est enim peregrinae condicionis manumissus a peregrina. Vocatur ipse Arpocras, patronam habuit Thermuthin Theonis, quae iam pridem defuncta est. Item rogo des ius Quiritium libertis Antoniae Maximillae, ornatissimae feminae, Hediae et Antoniae Harmeridi; quod a te petente patrona peto.

5. Gaius Plinius to the emperor Trajan

1 Last year, Sir, I was afflicted by an illness so serious that my life was in danger. So I called a physiotherapist, whose concern and attentiveness I can repay with equal gratitude only by your gracious kindness. 2 I am therefore asking you to award him Roman citizenship, for he is a foreigner, having been manumitted by a foreign mistress. His name is Harpocras, and his patroness Thermuthis, wife of Theon, is long dead. I am also begging you to grant the rights of citizens to Hedia and Antonia Harmeris, freedwomen of a most distinguished lady, Antonia Maximilla. I make this plea at the request of that patroness.<sup>303</sup>

It is evident from the content of the document that Harpocras and the two freedwomen of Antonia Maximilla enjoyed different legal statuses, as highlighted also by the technical language employed by Pliny to request the conferment of Roman citizenship upon these three individuals.<sup>304</sup> For Harpocras, an Egyptian, Pliny asks for *ciuitas Romana*, using a terminology coherent with other viritane grants of Roman citizenship to peregrine individuals attested in a few surviving inscriptions.<sup>305</sup> On the other hand, the legal status of (Antonia?) Hedia and Antonia Harmeris, for whom Pliny advocates the conferment of the *ius Quiritium*, is more blurred and difficult to assess. The formula ‘*rogo ius Quiritium des*’, which should clarify the legal status of the two freedwomen, appears also in two other letters, one of which was addressed to the emperor to petition for the extension of the right of citizenship to three of the Junian Latins who were under Pliny’s patronage:

---

<sup>303</sup> Translation by Walsh, with modifications: Walsh 2006, 244.

<sup>304</sup> As we have seen in the first chapter, Pliny was particularly rigorous in adopting the most appropriate terminology to refer to the legal status of the individuals he mentioned in his letters.

<sup>305</sup> Other than the aforementioned Tabula Banasitana, see also CIL III, 5232, from Noricum, set up by Caius Iulius Vepo to commemorate his acquisition of the Roman citizenship through a grant from Augustus.

#### CIV. C. PLINIUS TRAIANO IMPERATORI

Valerius, domine, Paulinus excepto Paulino ius Latinorum suorum mihi reliquit; ex quibus rogo tribus interim ius Quiritium des. Vereor enim, ne sit immodicum pro omnibus pariter invocare indulgentiam tuam, qua debeo tanto modestius uti, quanto plenior exorior. Sunt autem pro quibus peto: C. Valerius Astraeus, C. Valerius Dionysius, C. Valerius Aper.

#### 104. Gaius Plinius to the emperor Trajan

Valerius Paulinus, Sir, having passed over his son Paulinus (in his will), has bequeathed to me his right over his Junian Latins. I ask you to confer the right of citizenship (*ius Quiritium*) on three of them in the meantime, for I fear that it may be going too far to invoke your generosity on behalf of all of them. I must exploit that generosity all the more moderately as I experience it more fully. Those for whom I entreat it are C. Valerius Astraeus, C. Valerius Dionysius, and C. Valerius Aper.

(Translation by Walsh, with modifications)<sup>306</sup>

Moreover, the expression '*ius Quiritium consequere*' recurs several times in the first commentary of the *Institutes* of Gaius, especially in those passages that explain how a Junian Latin can acquire Roman citizenship.<sup>307</sup> At first glance the three texts share interesting similarities, and it has been suggested by Sherwin-White and Weaver that Harmeris and Hedia too might have been Junian Latins, just as the three Valerii were.<sup>308</sup> However, I contend instead that this theory is ruled out by the finely divergent technical terms adopted by Pliny in each of the two letters, as well as by the circumstances behind Pliny's request.

The first point of importance to note is that Hedia and Harmeris are both qualified as *libertae* of Antonia Maximilla. As I have elaborated in the previous chapter, the term *libertus* (and cognates) carries a well-defined meaning in the *Institutes* of Gaius, where it is used to refer to slaves who, having been manumitted formally, are endowed with a form of citizenship, be it Roman or local. While the *Epistles* are not a legal text, Pliny's usage of the different *termini technici* related to manumission, freed

---

<sup>306</sup> Translation by Walsh, with modifications: Walsh 2006, 281.

<sup>307</sup> The passages in question are Gaius 1.32c-35. According to the most relevant one, 1.35: Praeterea possunt maiores triginta annorum manumissi et **Latini facti** iteratione **ius Quiritium** consequi. quo [---] triginta annorum manumittant [--- v.v. 1 1/2 ---] manumissus uindicta aut censu aut testamento et **cuius Romanus** et **eius libertus fit**, qui eum iteraverit. ergo si seruus in bonis tuis, ex iure Quiritium meus erit, **Latinus** quidem a te solo **feri potest**, iterari autem a me, non etiam a te potest et eo modo **meus libertus fit**. sed et ceteris modis **ius Quiritium** consecutus **meus libertus fit**. bonorum autem, quae [---], cum is morietur, reliquerit, tibi possessio datur, quocumque modo ius Quiritium fuerit consecutus. quod si cuius et in bonis et ex iure Quiritium sit, manumissus ab eodem scilicet et **Latinus fieri potest et ius Quiritium consequi**.

<sup>308</sup> Sherwin-White 1966; Weaver 1997, 68; followed in Shelton 2013, 335-6; See also Roth 2016b, 627, n. 72,

slaves and citizenship is not only coherent throughout the books, but also consistent with that of Gaius. It is important to stress that Pliny did not refer to the Junian Latins who had been entrusted to him by his friend Valerius Paulinus as *liberti*, and neither did Trajan in his reply; instead, the legal status of the freed men is explicated rather meticulously by mentioning the *ius Latinorum* that Pliny exercised over them.<sup>309</sup> In a similar way, when writing to Fabatus, his grandfather-in-law, Pliny referred to the slaves whom his relative had freed informally in the recent past – and who did not possess the Roman citizenship – as “quos proxime inter amicos manumisisti”, avoiding the term *libertus* altogether.<sup>310</sup> On the other hand, the two freedmen of Trajan with whom Pliny interacted on more than one occasion, Maximus and Lycormas, are routinely referred to as *liberti* in several letters; given the roles they carried out – Maximus was a *procurator*, Lycormas was involved with the diplomatic legation from the Bosporean Kingdom – it is logical to infer that they were endowed with Roman citizenship, and hence qualified as *liberti*.<sup>311</sup> Considering the punctilious terminology employed by Pliny throughout the *Epistles*, then, it becomes apparent that Hedia and Harmeris could not have been Junian Latins, especially taking into account that they are referred to as *libertae* not only in the aforementioned letter, but also in the subsequent one, which was sent by Pliny to thank Trajan for bestowing the Roman citizenship upon the two and Harpocras.<sup>312</sup> Even setting the technical meaning of *libertus* aside, had Hedia and Harmeris been Junian Latins, their patroness Antonia Maximilla could have secured the Roman citizenship for them herself, by manumitting the two – formally – a second time.<sup>313</sup> If Maximilla had been able to reiterate the manumission of Hedia and Harmeris, Pliny could have probably offered her assistance without inconveniencing Trajan directly, thanks to his ‘network’ of connections with the governing class. In the aforementioned letter sent to Fabatus, Pliny wrote that Calestrius Tiro – a friend of his and the new *proconsul* of Baetica – could be persuaded to diverge from his route to meet with Fabatus, in the event he wanted to manumit *vindicta* those slaves who had been recently manumitted *inter amicos*.<sup>314</sup> It seems implausible that Pliny, while interceding with Trajan on behalf of

---

<sup>309</sup> Plin. *Ep.* 10.104.

<sup>310</sup> Plin. *Ep.* 7.16.

<sup>311</sup> Maximus is mentioned in Plin *Ep.* 10.27 and 10.28, Lycormas in 10.63 and 10.67.

<sup>312</sup> Plin. *Ep.* 10.6: ‘Ago gratias, domine, quod et ius Quiritium **libertis** necessariae mihi feminae et civitatem Romanam Arpocrati, iatraliptae meo, sine mora indulsisti. [...]’

<sup>313</sup> Gaius, 1.35. Discussed in Roth 2010.

<sup>314</sup> Plin. *Ep.* 7.16: 1 ‘Calestrium Tironem familiarissime diligo et privatis mihi et publicis necessitudinibus implicitum. 2 Simul militavimus, simul quaestores Caesaris fuimus. Ille me in tribunatu liberorum iure praecessit, ego illum in praetura sum consecutus, cum mihi Caesar

Maximilla, would not have sought an imperial grant of citizenship for the former slaves of his own grandfather-in-law as well, had the freed men and women of Antonia Maximilla and Fabatus enjoyed the same legal status, i.e. Junian Latinity.

Taking into account both the legal connotations implied by the term *libertus* and the dynamics at play in the letters, then, there can be little room for doubt that the freedwomen of Maximilla were not Junian Latins. Yet, since Hedia and Harmeris were granted the *ius Quiritium* and not *ciuitas Romana*, it is also apparent that they were not peregrines as Harpocras; it follows, then, that they must have been endowed with Latin citizenship. The use of the formula “rogo ius Quiritium des” to request the conferment of the Roman franchise upon a Latin citizen should not surprise. As discussed above, Latins were already in possession of some essential *iura*, therefore it can be argued that, to become Roman citizens, they only needed to acquire the *ius Quiritium* – the right of citizenship – as opposed to the full *ciuitas Romana* that was instead granted to peregrines. After all, the formula “ius Quiritium consequere” is used quite often in Gaius when discussing the acquisition of the Roman citizenship by a Junian Latin; and still in the *Institutes* it is clearly stated that Junian Latins are called *Latini* precisely because they are considered to be similar to Latin citizens, “adsimulati sunt Latinos coloniarios”.<sup>315</sup>

The interpretation of Hedia and Harmeris as Latin citizens is also supported by circumstantial evidence that can be gathered from the letter itself, which in turn can be put in relation with two provisions of the Lex Flavia Municipalis. Thus, it is interesting to note that Pliny petitioned Trajan to bestow the *ius Quiritium* to Hedia and Harmeris at the request of their patroness, who was a relation or – more probably – a friend of Pliny. It can be inferred that Antonia Maximilla was herself a Roman citizen at the time, otherwise it seems unlikely that she would have requested the Roman franchise for her freedwomen and not for herself, had she not been one. However, considering how Hedia and Harmeris were both *libertae* and endowed with Latin citizenship, it is reasonable to suggest that Antonia Maximilla had once been a Latin

---

annum remisisset. Ego in villas eius saepe secessi, ille in domo mea saepe convaluit. 3 Hic nunc pro consule provinciam Baeticam per Ticinum est petiturus. 4 Spero, immo confido facile me impetraturum, ex itinere deflectat ad te, si voles vindicta liberare, quos proxime inter amicos manumisisti. Nihil est quod verearis ne sit hoc illi molestum, cui orbem terrarum circumire non erit longum mea causa. 5 Proinde nimiam istam verecundiam pone, teque quid velis consule. Illi tam iucundum quod ego, quam mihi quod tu iubes. Vale.’

<sup>315</sup> Gaius 1.22.



citizen herself, and that she had manumitted the two freedwomen before her own acquisition of the Roman franchise. As discussed above, a formal manumission like the one detailed in the *Lex Flavia Municipalis*, carried out by a Latin citizen, would have conferred on the freed slave the same legal status as that of the manumittor, turning the (former) slave into a '*optumo iure Latinus libertinus*'.<sup>316</sup> From then on, the former owner would have enjoyed patronal rights over the freedperson, and these rights would have been preserved even if the patron had acquired the Roman franchise while the freedperson remained a Latin citizen, as prescribed by another clause of the *Lex Flavia Municipalis*.<sup>317</sup> Considering the different elements that can be gathered from the letter, it is tempting to posit that the personal history of Antonia Maximilla and her two freedwomen followed a similar trajectory. Only upon recognition that Maximilla had freed her two slaves formally when still a Latin citizen does it become possible to reconcile Pliny's use of the terms *libertus* and *liberta* in these two letters with their usage in the rest of the *Epistles*, and also to appreciate fully the need for the direct involvement of the emperor.<sup>318</sup>

The second letter addressed by Pliny to Trajan to petition for a grant of the Roman franchise to several of his acquaintances shows remarkable similarities with the first one. Once more, an indisposition put the writer under an obligation to his *medicus* Postumius Marinius, an obligation which Pliny intended to fulfil by asking the emperor to confer Roman citizenship to Postumius' closest relatives, who were peregrines. Additionally, Pliny (*Ep.* 10.11) entreated Trajan to grant the *ius Quiritium* to three other freed individuals, at the request of their patrons:

---

<sup>316</sup> 'Si quis munic[eps] municipi Flauī Imitani, qui Latinus erit, aput Ilui rum iure dicundo ei ius municipi, ser[u]m suum seruamue suam ex ser[ui]tute[m] in libertatem manumiserit, l[i]b[er]um liberamue e[s]se iusserit, dum ne quis pupillus neue quae uirgo mulierue sine tutoris auctoritate quem quamue manumitt[er]et, liberum liberamue esse iubeat, qui ita manumissus liber[us]ue esse iussus erit, liber esto, quaeque ita manumissa liberaue esse ius[s]a erit, libera esto, uti qui optum[o] iure Latini libertini liberi sunt erunt, dum {i}is qui minor XX annorum erit ita manumittat, si causam manumittendi iustam esse is numerus decurionum, per quem decreta h(ac) l(ege) facta rata sunt, censuerit..' The text is that established by M. H. Crawford in González 1986: 156-57.

<sup>317</sup> 'Qui quaeue ex h(ac) l(ege) exue edicto imp(eratoris) Caesaris Vespasiani Aug(usti) imp(eratoris)ue Titi Caesaris Vespasiani Aug(usti) aut imp(eratoris) Caesaris Domitiani Aug(usti) ciuitatem Romanam consecutus consecuta erit, eis in liberos libertas suos suas paternos paternas{q}ue, qui quaeue in ciuitatem Romanam non uenerint, deque bonis eorum earum et is, quae libertatis causa impos]ita sunt, idem ius eademque condicio esto, quae esset, si ciuitate mutati mutatae non essent.' The text is that established in González 1986.

<sup>318</sup> If, as I argue, Hedia and Harmeris had received the Latin citizenship as a consequence of their manumission, then an imperial grant was the most viable route they had for obtaining the Roman franchise, if not the only one.

#### XI. C. PLINIUS TRAIANO IMPERATORI

1 Proxima infirmitas mea, domine, obligavit me Postumio Marino medico; cui parem gratiam referre beneficio tuo possum, si precibus meis ex consuetudine bonitatis tuae induleris. 2 Rogo ergo, ut propinquis eius des civitatem, Chrysippo Mithridatis uxoriue Chrysippi, Stratonicae Epigoni, item liberis eiusdem Chrysippi, Epigono et Mithridati, ita ut sint in patris potestate utque iis in liberos servetur ius patronorum. Item rogo indulgeas ius Quiritium L. Satrio Abascanto et P. Caesio Phosphoro et Panchariae Soteridi; quod a te volentibus patronis peto.

#### 11. Gaius Plinius to the emperor Trajan

1 My recent indisposition, my lord, has put me under an obligation to my doctor, Postumius Marinus. Through your kindness I can do him an equal favour, if in accord with your usual good nature you are favourable to my requests. 2 So I am asking you to grant the citizenship to his relatives Chrysippus, son of Mithridates, and to Chrysippus' wife Stratonice, daughter of Epigonus, and also to the sons of this Chrysippus, Epigonus and Mithridates, on condition that they remain under their father's authority though preserving their rights as patrons over their freedmen. I am further asking that you grant the right of citizenship (*ius Quiritium*) to Lucius Satrius Abascantus, to Publius Caesius Phosphorus, and to Pancharia Soteris. I make this request of you in accord with the wishes of their patrons.<sup>319</sup>

Postumius bore a very distinctive Roman name, while the rest of his relatives still used a more peregrine naming convention, as highlighted by their Greek *simplex nomen* followed by patronym, and although the letter does not mention it explicitly, it is highly likely that he had already acquired Roman citizenship at the time, otherwise Pliny would have asked the emperor to confer the Roman franchise to the *medicus* as well. Considering the legal condition of his family, it can be argued that Postumius had been a freeborn peregrine, and that at some point he had received Roman citizenship *uiritim*, possibly thanks to his profession. A viritane grant would not have affected Postumius' relatives, thereby creating a degree of discrepancy between the statuses of the different family members which, in turn, could have caused a number of legal issues: for example, peregrines could not inherit from a Roman citizen.<sup>320</sup> It is not surprising, then, that Postumius sought to take advantage of Pliny's connections with the emperor to amend the personal status of his relatives, who could have become Roman citizens only through an imperial grant.

The legal status of Satrius Abascantus, Caesius Phosphorus and Pancharia Soteris, the three freed individuals for whom Pliny requested the *ius Quiritium* towards the closing of the letter, is less clear. Pliny made the request on behalf of the patrons of

---

<sup>319</sup> Translation by Walsh, with modifications: Walsh 2006, 246.

<sup>320</sup> Gaius 2.110 and 2.218.

the three, as he had done for Antonia Maximilla, yet the letter does not refer to them as *liberti*, nor does it provide any other piece of information that could help to shed light on their legal status after the manumission. The legal term *patronus* does not appear often in the *Epistles*. Pliny avoided it altogether when discussing the right he enjoyed over the Junian Latins who had been entrusted to him by Valerius Paulinus, mentioned above; and, in those letters where it is used in relation to slavery, it seems to refer to the patron of a former slave who, having been freed properly, can be considered a *libertus*.<sup>321</sup> Taking into account Pliny's usage of *patronus*, then, it could be argued that Abascantus, Phosphorus and Soteris – just like Hedia and Harmeris – had been freed formally by a Latin patron, and hence had acquired the Latin citizenship. Given the brevity of the letter, though, the possibility that the three were actually Junian Latins cannot be excluded entirely. However, when attempting to assess the legal status held by these three individuals before their acquisition of the Roman franchise through an imperial grant, a further element must be considered – namely, the direct involvement of the emperor himself. By comparing the evidence that can be gathered from the correspondence thus far examined and from other letters written by Pliny, a pattern seems to emerge, which could indicate that Pliny probably resorted to requesting an imperial grant of citizenship only when the prospective Roman citizen had no other viable way to acquire the franchise. In the already discussed letter sent to Fabatus, it is clear that Pliny, rather than involving Trajan directly, sought an alternative way for his grandfather-in-law to manumit formally those slaves whom he had recently freed *inter amicos*, even if that meant asking his friend Calestrius Tiro, the newly appointed *proconsul* of Baetica, to deviate from his original route to his province.<sup>322</sup> As *proconsul*, Tiro was invested with *imperium*, therefore Fabatus could manumit *vindicta* his informally freed slaves, who would have been there with him, simply by iterating the manumission in front of Tiro, as established by Roman law.<sup>323</sup> The solution sought for Fabatus seems, at first glance, to conflict with the one adopted for Astraeus, Dionysius and Aper, three of the Junian Latins entrusted to Pliny's patronage by Valerius Paulinus, for whom Pliny requested an imperial grant of citizenship. The correspondence between Pliny and

---

<sup>321</sup> Plin. *Ep.* 7.29 and 8.6 mentions the patron of Pallas; Plin. *Ep.* 10.5 and 10.6., which have been examined in the previous pages, mentions Thermutis as patroness of Harpocras and Antonia Maximilla as patroness of Hedia and Harmeris. The term is used elsewhere in the *Epistles* with the acception of *patronus provincialibus* (3.4.).

<sup>322</sup> Plin. *Ep.* 7.16; the letter is dated to AD 107 by Sherwin-White 1996, when Trajan was the reigning emperor.

<sup>323</sup> Gaius 1.21.

Trajan regarding the grant of the *ius Quiritium* to these three individuals are dated by Sherw-White to AD 112, when Pliny was governor in Bithynia;<sup>324</sup> theoretically, Pliny could have secured the Roman citizenship for the three simply by manumitting them formally, through iteration.<sup>325</sup> However, in order to perform a manumission *vindicta*, both the slave (or the Junian Latin) and the master needed to be together, in proximity of a magistrate. Considering how Pliny acquired the *ius Latinorum* over Astraeus, Dionysius, Aper and the others thanks to the testamentary dispositions of Valerius Paulinus, it seems unlikely that the three were with him in Bithynia. If this interpretation is correct, then the only other viable way the three had to acquire promptly the *ius Quiritium* was through an imperial grant. Similarly, the Egyptian Harpocras and the peregrine relatives of Postumius Marinus could only become Roman citizens thanks to the direct involvement of the emperor. As seen above, the grant of the *ius Quiritium* to Hedia and Harmeris, who were likely former slaves endowed with the Latin citizenship, seems to follow the same logic, as their (now Roman) patron, Antonia Maximilla probably could not iterate their manumission. Thus, since no elements in the letter mentioning Abascantus, Phosporus and Soteris seem to imply that they were informally freed slaves who could not be manumitted *vindicta* because they were not in proximity to their patrons – as had probably been the case with Astraeus, Dionysius and Aper, the direct involvement of Trajan through the request of an imperial grant of citizenship seems to suggest that they were likely Latin citizens, just as Hedia and Harmeris, and not Junian Latins.<sup>326</sup>

The letters so far examined were addressed by Pliny to Trajan to set in motion the process which, with the favour of the emperor, would have ultimately secured the Roman franchise for the beneficiaries. It is, therefore, logical that they only offer brief information on the personal history and the legal condition of the individuals for whom Pliny was requesting an imperial grant of Roman citizenship. The letters that Pliny would have sent to the imperial administration in the case of a favourable response

---

<sup>324</sup> Plin. *Ep.* 10.11; Sherwin-White 1966, 529-32.

<sup>325</sup> It might be further implied that Pliny, being at the time invested with *imperium* did not even need to seek the aid of another magistrate, if he wanted to manumit a slave *vindicta*: according to Gaius, for the procedure to be valid, it simply needed to be carried out in the proximity of a magistrate *cum imperium*, without any direct involvement of the magistrate himself, up to the point that slaves '[...] vel in transitu manumittantur, veluti cum praetor aut pro consule in balneum vel in theatrum eat'. Gaius 1.21. No provision seems to rule out that the manumittor and the magistrate *cum imperium* could be the same person.

<sup>326</sup> For a general study on slaves and freed people in the *Epistle* of Pliny, see Gonzalès 2003. However, his study does not discuss the finer aspects of the legal status of these individuals, which has been the focus of the present chapter.

of the emperor would have provided additional and more specific information, such as the age and the financial status of the beneficiaries.<sup>327</sup> Unfortunately this information is, as said, not contained in the *Epistles*, and does not survive elsewhere either. Yet, although the correspondence between Pliny and Trajan requires a certain degree of interpretation, the register employed still manages to convey with reasonable detail the different legal statuses of the individuals mentioned in the letters, as just seen. Collected together, these documents offer insights into an interesting cross section of Roman society which is often difficult to appreciate fully in other bodies of evidence, such as Latin epigraphy. As a result, the *Epistles* might indeed offer further evidence of the existence of Latin citizens under the Empire, in the same way as they shed light on an equally underrepresented legal group, that of the Junian Latins. The *Epistles* remind us rather forcefully that freedom and citizenship are two distinct yet complementary concepts (and realities), and that, within the Empire, there existed a varied spectrum of well-defined legal statuses that were however regularly combined in different ways. Harpocras the freedman of the Egyptian Thermutis, Hedia and Harmeris the freedwomen of the Latin Maximilla, and the three Valerii, the Junian Latins of the Roman Paulinus: while all of them were freed slaves, they enjoyed different legal statuses before their acquisition of the Roman franchise, statuses which reflected that of their patrons without mirroring it in full.

## VI Conclusions

The *ius Latii* was a widespread phenomenon in the western part of the Roman Empire: this is one of the very few points in the debate on Latinity on which scholarship agrees unanimously, following the literary tradition offered by Strabo, Pliny the Elder, Tacitus, and other ancient writers. Yet, a number of influential scholars have argued that a grant of the Latin right to a peregrine community did not translate into a change of legal status for its residents: in their opinion, while Latin *municipia* were common, under the Empire there never existed a defined legal category of Latin citizens.<sup>328</sup> However, as the present study has established, this theory fails to engage fully with the evidence offered by the Lex Flavia Municipalis, known through the Hispanic municipal charters, which should be considered the most prominent of the surviving

---

<sup>327</sup> In 10.6, Pliny writes to Trajan that he has already sent to the administration all the relevant information regarding Harpocras' age and census: '[...] Annos eius et cenum, ne quid rursus indulgentiam tuam moraretur, libertis tuis quibus iusseras misi.'

<sup>328</sup> Millar 1977; Chastagnol 1995; Gardner 2001.

sources on Latinity. The Lex Flavia Municipalis mentions *Latini* in several clauses, and it is now evident that, in the charters, the term is used to refer to individuals endowed with the Latin right, and not to Junian Latins as it does in Roman juridical sources. More to the point, a closer reading of the whole Lex Flavia Municipalis shows that the provisions concerning Latin citizens – and Latin citizens only – were not limited to the clauses that made explicit reference to *Latini*, but instead included several additional clauses.<sup>329</sup> As a result, the nature and relevance of the Lex Flavia Municipalis can be understood in full only by maintaining that the civic body of a community of Latin right was constituted primarily by Latin citizens. It is now clear that the charters detail a number of provisions and procedures that, while inspired by Roman law, were tailored to suit the legal needs of the local population of Latin right. But while the Lex Flavia Municipalis offers the most conclusive evidence for the existence of Latin citizens in imperial times, references to individuals of Latin rights can also be gathered from other documents, and especially from other Roman legal sources. Considering the nature and (intended) readerships of Roman juridical texts, it is not surprising that, in Roman legal writing, the term *Latinus* without further adjectives is generally used to refer exclusively to Junian Latins, and not to Latin citizens;<sup>330</sup> after all, Junian Latinity was an important facet of Roman manumission practices, while the *ius Latii* was never a Roman institution. Yet, as the present study has shown, despite the seeming incongruity of language between the Hispanic charters and Roman legal writing, Roman juridical sources still provide few but significant references to Latin citizens, which allow us to shed light on the nature of Latinity itself.<sup>331</sup>

The debate on Latinity has been profoundly shaped by Mommsen, who stated that '[...] *ciuis Latinus* ist incorrect wie *ciuis Graecus* und *ciuis Thrax* [...]'<sup>332</sup>, as noted at the start of this chapter. Yet, when taking into account the nature of *Latium* and its evolution throughout the Republic, it becomes apparent that, in imperial times, such

---

<sup>329</sup> See for example §XXIX, which details an institution of legal guardianship modelled on the Roman *tutela*; since Roman citizenship already possessed their own institution of legal guardianship, it is evident that the provisions of §XXIX only applied to the Latin *municipes* of the Hispanic towns of Latin right.

<sup>330</sup> Whenever referring to Latin citizens, Gaius employs either the locution '*Latini coloniarii*' (Gaius 1.22, 1.28. 3.56) or '*alii Latini*' (Gaius 1.79). In a similar way, *Tit. Ulp.* 19.4.

<sup>331</sup> As seen in the previous pages, there are unambiguous references to Latin citizens (*Latini coloniarii*) in Gaius 1.22, 1.29, 3.56 and *Tit. Ulp.* 19.4., and a less explicit reference in Gaius 1.79.

<sup>332</sup> Mommsen 1887/8, III, 611, n. 2.

comparison does not hold. As independent state entities, each of the various cities and leagues of Greece had enjoyed its own peculiar citizenship, much like the communities that formed the Latin League of old. However, already by the time of the Social War, Latinity had evolved 'from a geographical and tribal or sub-national concept to the idea of a social and political status [...]', essentially becoming a legal tool.<sup>333</sup> As a (Roman) legal instrument, the *ius Latii*, which was never granted to individuals but rather to whole peregrine communities,<sup>334</sup> endowed its bearers with a set of standard *iura* that were shared by everyone who enjoyed the Latin right. It is evident from §LIII of the Lex Flavia Municipalis and the Tabula Siarensis that the legal status enjoyed by a Latin derived from holding the franchise of a Latin community: a (*ciues*) *Latinus* is the *municeps* of a Latin town. Although it cannot be maintained that there ever existed a universal *ciuitas Latina*,<sup>335</sup> I argue that there were instead several distinct local *Latin citizenships*. And while, on one hand, each of these *Latin citizenships* was peculiar to a specific civic community, on the other hand they all endowed their bearers with the same rights and obligations, when dealing with Roman citizens and Roman law in general. As a result, while all *Latini* shared the same fundamental *iura*, a Latin could take full advantage of all the different facets of the *ius Latii* only in the civic community where he or she belonged as *municeps*. This was true not only for the right of acquiring the Roman citizenship by holding magistracies, but also for the different procedures and legal institutions detailed by the Lex Flavia Municipalis, which were often accessible only to the local *municipes*.<sup>336</sup> However, although there were several distinct local Latin franchises, it is clear that the level of uniformity of the rights they conferred on their citizens allowed for the emergence of an elementary *koinon*. It is evident from the Lex Flavia Municipalis that Latins could exercise some of the prerogatives associated with the *ius Latii* even in those (Latin) communities where they resided as *incolae*, without holding the local citizenship. The most notable of these prerogatives was the right to vote: thus, a Latin from Irni who

---

<sup>333</sup> Sherwin-White 1973, 114.

<sup>334</sup> This theory has been argued, convincingly by Sherwin-White 1973, *contra* Braunert 1966. Note, however, that not all grants of the Latin right to a peregrine community resulted in the creation of a *municipium*, a *colonia* or an *oppidum*. For example, Claudius' grant of the *ius Latii* to the population of the Maritime Alps resulted, at the later stage, in the emergence of an original category of civic communities classified as tribal *civitates*, which revolved around *fora*. See Sherwin-White 1973, 369-73 and 375.

<sup>335</sup> *Contra* the idea of a universal *ciuitas Latina* see Humbert 1981, 217.

<sup>336</sup> See, for example, §XXVIII of the Lex Flavia Municipalis, which stated that, at Irni, only a *Latinus* who was a *municeps* could manumit his slaves in front of the *duoviri*. Quite evidently, Latin individuals who resided at Irni as *incolae* could not take advantage of this provision in order to manumit their slaves.

resided at Malaca could still cast his vote in the local elections without being a *municeps* there.<sup>337</sup> It can be argued, then, that the *ius Latii*, as a unique phenomenon “engineered” by the Romans, was much more akin to the Roman citizenship than any other ancient franchise. Even though the *municipes* of Malaca and those of Irni held what were – at least theoretically – two distinct franchises, a Roman citizen, upon entering a legal contract, would have dealt with them in exactly the same way. Thus, while there never existed a common *ciuitas Latina* that could be compared to the *ciuitas Romana*, the universal nature of the *iura* associated with the *ius Latii* allow us to define the collective body of those who enjoyed the Latin right through holding the local franchise of a Latin community as Latin *citizens*. After all, the Romans themselves referred to the residents of the *municipia* and colonies of Latin right as *ciues Latini*, as shown by the Tabula Siarensis, a highly official *senatus consultum*.

It could be objected that the argument constructed in this chapter is based on a 'hard' view of Roman law - and that it has been suggested unduly therefore that provincials who held Roman citizenship would at all times privilege Roman law over other legal systems in their dealings. Evidently, there is plenty of evidence especially for the provincial use of multiple legal systems – to suit the individual requirements at any one time.<sup>338</sup> But the analysis was focused on texts produced by Roman jurists and imperial governors: *they* would have put Roman law first, especially when dealing with the emperor or drafting a textbook. Put the other way round: the evidence under scrutiny here provides a top-down perspective only. But it is this perspective that is essential to clarify in order to advance the debate on Latinity at this moment in the modern scholarly debate.

Other than offering evidence of the existence of a well-defined legal category of *ciues Latini* in imperial times, the present chapter has also implied that Latin citizens made up an undetermined yet significant portion of the population living within the borders of the Roman empire, and that the majority of them remained *Latini* throughout their lives. Yet, despite their likely numbers, Latin citizens appear only in a handful of sources, much like the Junian Latins, a distinct legal group with whom they nevertheless shared some similarities. Considering the significant number of Latin communities within the Empire, then, the causes of such underrepresentation must

---

<sup>337</sup> See §LIII of the Lex Flavia Municipalis.

<sup>338</sup> On the topic, see for example Galsterer 1986; Richardson 2015; and especially Czajkowski and Eckhardt 2018.



rather be sought in the peculiar nature of the surviving bodies of evidence, and especially Latin epigraphy. As we have seen in the previous chapter, Junian Latins only appear clearly in juridical sources, which detail the nature of Junian Latinity as an institution, in a handful of surviving legal documents like manumission papers and personal archives, and in more liminal literary sources such as the *Epistles* of Pliny the Younger. However, given their numbers, it is reasonable to infer that a relevant portion of the numerous so-called *incerti* found in inscriptions – individuals of undisclosed legal status – might actually be Junian Latins: after all, as seen earlier, the only known Junian Latin listed in the “Album of Herculaneum”, appears to us, in that document, as an *incertus*. Considering how Latin citizens themselves either adopted the Roman naming practice or continued to use a peregrine-like nomenclature well after their acquisition of the Latin right, it is reasonable to draw a parallel between them and the Junian Latins. And while there are no surviving documents involving *ciues Latini* that could be compared to the personal archive of Lucius Venidius Ennychus or the manumission contracts of Helena, Paramone and Techosis, the present study has shown that some of the imperial grants of citizenship petitioned by Pliny the Younger in his correspondence with the emperor Trajan might have actually been bestowed upon Latin citizens. While the *Epistles* require a certain degree of interpretation, the evidence that can be gathered from the letters and the meticulous register employed by the author, who was attentive to the most subtle legal connotations of each term, offer insights into a cross-section of Roman society which is much more complex than what the standard approaches to our epigraphic evidence currently reveal. As a result, it is reasonable to posit that, much like the Junian Latins, *ciues Latini* used the epigraphic medium, and might have made up a relevant portion of the *incerti* documented in Latin inscriptions. The conclusion that the extensive epigraphic modern category of the *incerti* might have actually included – or indeed was largely composed of – two sizeable legal groups which lacked a linguistic diagnostic to convey their peculiar legal status, the Junian Latins and the Latin citizens,<sup>339</sup> has a significant impact on the scholarly understanding of the composition of Roman society. It is evident, then, that in order to attempt to fill this ‘black hole of large but unknown proportions at the heart of our understanding’ of Roman society,

---

<sup>339</sup> For a discussion on the (legal) inability of informally or imperfectly manumitted slaves of using ibertination, see Chapter I.

scholarship must actively tackle the challenge offered by the *incerti*.<sup>340</sup> To make a start down this way, is the task of the next chapter.

---

<sup>340</sup> The quotation is from Weaver 1997, 55, who originally used it in reference to the scholarly understanding of Junian Latinity as a legal and social phenomenon.



### **CHAPTER III**

#### *Nomina nuda tenemus.* Re-thinking the scholarly approach towards *incerti* in Latin epigraphy.

##### I Introduction: “*incerti*” in modern scholarship

The use of the Latin term *incertus* to refer to an individual whose legal status, in a Latin inscription, is not disclosed either through filiation or libertination, a record of the voting tribe, nor by any other reference internal to the text, is a modern practice. As noted earlier in this thesis, the term was first adopted by Taylor in her influential article on freedmen and freeborn in the *tituli sepulcrales* from Imperial Rome.<sup>341</sup> But while Taylor was the first to examine in depth the implications offered by the existence of these so-called *incerti* in Latin epigraphic sources, it also needs noting that this broad category of individuals had been tangentially investigated even by earlier scholarship, most notably by Frank in his paper on "Race mixture in the Roman Empire", published in 1916.<sup>342</sup>

Rather than focusing on the legal status of the men and women from Rome, Frank's study aimed primarily at quantifying the proportion of individuals of 'foreign stock' in the urban population of Rome and other cities of the western part of the Empire, through a comparison of the onomastic records of more than 13900 funerary inscriptions.<sup>343</sup> Having examined such an extensive body of epigraphic evidence, Frank was able to observe that, contrary to the idea – predominant in the (then) contemporary scholarship – that freedmen were 'compelled to indicate their status [...] in inscriptions,'<sup>344</sup> many bearers of *tria* or *duo nomina* who did not state their legal condition were actually 'under the strong presumption of being freedmen [...].'<sup>345</sup> Nevertheless, Frank chose to classify the individuals recorded without an indication of status according to the same criteria he had put together to examine the onomastic records of freeborn and people of servile background alike, and considered most of those who bore a Latin *cognomen* as of 'native stock', and the bearers of a Greek

---

<sup>341</sup> Taylor 1961, 117: 'The names of Roman citizens in the epitaphs (I exclude the slaves) may be divided into three classes, first those for whose status there is no definite evidence either in the name or in the text of the epitaph, second freedmen, and third freeborn. The first group, which I shall call the *incerti* [...]'

<sup>342</sup> Franks 1916.

<sup>343</sup> Frank 1916, 690.

<sup>344</sup> Frank 1916, 691, n. 3.

<sup>345</sup> Frank 1916, 691, n. 3.

name as men and women of foreign descent.<sup>346</sup> Furthermore, Frank observed that the majority of the *cognomina* he had documented while carrying out his study were Greek, not Latin; and that most of them were unlikely to be the names of free immigrants or their offspring, but rather belonged to manumitted slaves and their sons and daughters.<sup>347</sup> Frank's ultimate conclusion was that the great majority of the urban population of Rome, and not just the residents who bore a Greek *cognomen*, had become ethnically "Orientalised", mainly as a result of the demographic influxes caused by the manumission of large numbers of slaves, who were of foreign ("Eastern") origin.<sup>348</sup>

Frank's article proved to be polarising. It sparked an intense scholarly debate which was still ongoing in 1961, when Taylor published her study on the epitaphs of imperial Rome.<sup>349</sup> While Taylor's article sought to investigate the proportion of freedmen and freeborn in the funerary inscriptions from Rome, rather than their ethnic background, it still followed closely the theoretical framework established by Frank, and generally built upon his study of what he called race mixture.<sup>350</sup> Taylor's own study sprang from her examination of all the inscriptions from the city of Rome, which she had originally carried out to assess the distribution of the different voting tribes in the urban population.<sup>351</sup> Her original study led Taylor to observe that, starting from the 1<sup>st</sup> century AD, an increasingly higher proportion of inscriptions set up by or for men belonging to the lower strata of Roman society lacked a record of the voting tribe.<sup>352</sup> Following Mommsen's theory that only freeborn men were entitled to indicate their *tribus* in inscriptions,<sup>353</sup> she speculated that the scarce presence of a record of the voting tribe in the imperial *tituli sepulcrales* from Rome was to be linked to the preponderance of freedmen in this body of evidence.<sup>354</sup> In order to appreciate more fully the proportion of freed people in these epitaphs, Taylor sampled several thousand inscriptions and assigned the different individuals commemorated to three distinct categories:

---

<sup>346</sup> However, Frank noted that some Latin *cognomina*, including Salvius, Hilarus, Fortunatus, Optatus, Auctus, Vitalis, Ianuarius, Felix, Faustus, Primus and Primitivus were usually associated with slaves or freed slaves. Frank 1916, 692.

<sup>347</sup> Frank 1916, 695.

<sup>348</sup> Frank 1916, 705.

<sup>349</sup> Calderini 1930, on the use of Greek *cognomina*; Gordon 1924, on the 'nationality' of slaves, with a general objection to the idea that the Roman population had become "orientalised"; Duff 1958; and Westermann 1955.

<sup>350</sup> Taylor 1961, 115-6.

<sup>351</sup> Taylor 1960.

<sup>352</sup> Taylor 1961, 116.

<sup>353</sup> Mommsen 1887/8, III, 440-2.

<sup>354</sup> Taylor 1961, 116.

freeborn, freed and the newly-named class of the *incerti*, which contained '[...] those for whose status there is no definite evidence either in the name or in the text of the epitaph'.<sup>355</sup> Taylor noted that the inscriptions belonging to the first two categories – combined – constituted only one third of the *tituli sepulcrales*, and that the freedmen were twice as numerous as the freeborn. The *incerti*, who accounted for the remaining two thirds of the individuals recorded, far outnumbered freedmen and freeborn alike.<sup>356</sup> A closer examination of the evidence related to *incerti* led Taylor to highlight a steady yet significant chronological increase in their numbers. In particular, while only a fraction of the men and women mentioned in Republican epitaphs could be labelled as *incerti*, she observed that their numbers had increased to a sizeable minority in the inscriptions dated to the 1<sup>st</sup> century AD, and had become the vast majority of the individuals remembered in the *tituli sepulcrales* dated to the 2<sup>nd</sup> century AD onwards. The trend seemed to mimic chronologically the progressive disappearance of the record of the voting tribe; therefore Taylor concluded that it was '[...] primarily in the name of the freedman, not the freeborn, that the omission of status is apparent'.<sup>357</sup> Although Taylor observed that the term *libertus* was still used in "official" documents,<sup>358</sup> she highlighted that the term tended instead to disappear from more private inscriptions, unless they had been set up by or for an imperial freedman or freedwoman.<sup>359</sup> The logical implication, for Taylor, was that 'the decline of the use of *libertus* in the freedman's name is undoubtedly a reflection of the freedman's unwillingness to declare his inferior status [...]'.<sup>360</sup> Taylor indicated that her conclusions were additionally supported by the evidence that could be gleaned from the onomastics of most *incerti* and from other subtle references internal to the texts that mentioned them, when these pieces of information were closely examined through a set of criteria largely inspired by those adopted by Frank. In particular, she maintained rather forcefully – following Frank as well as a related, more recent study by Thylander –<sup>361</sup> that Greek *cognomina* were fairly reliable indicators of servile background, and that they tended to be found mostly in the onomastics of freedmen or their immediate descendants. Additionally, she observed that those *incerti* partnered with an individual sharing their *nomen* were under the strong suspicion of

---

<sup>355</sup> Taylor 1961, 117.

<sup>356</sup> Taylor 1961, 117-8.

<sup>357</sup> Taylor 1961, 120.

<sup>358</sup> Taylor 1961, 121.

<sup>359</sup> Taylor 1961, 121.

<sup>360</sup> Taylor 1961, 122.

<sup>361</sup> Thylander 1952.

having a servile background, being either freedmen and freedwomen of the same patron, or part of a wider *familia* formed by the slaves manumitted by members of the same household, and their freeborn descendants.<sup>362</sup> Taylor's ultimate conclusion was that the great majority of the individuals mentioned in the *tituli sepulcrales* from Rome were either freed slaves or had some form of familial relationship with former slaves, including a sizeable portion of freeborn, who were likely children or grandchildren of freedmen.<sup>363</sup> Yet, she observed that the preponderance of freed individuals over men and women of free birth in the epitaphs from Rome could not have been an accurate reflection of the composition of the urban population, as the numbers of freeborn must always have been larger than those of freedmen.<sup>364</sup> In Taylor's opinion, the reason why the funerary inscriptions related to freed slaves far outnumbered those commemorating freeborn individuals had to be found in the desires that freed men (and women) had to record their names on an enduring medium. Having won their freedom and '[...] the *tria nomina* of the Roman citizens [...]',<sup>365</sup> former slaves had a motive to record the '[...] the great achievement of the freedman's life, the acquisition for themselves and their children of the Roman name.'<sup>366</sup> Quite obviously, men and women of free birth lacked such a motive, and therefore often preferred to be buried without an inscription, especially if they belonged to the more humble strata of the population.<sup>367</sup>

In suggesting that former slaves were more likely than the *ingenui* to set up inscriptions as a way to celebrate their achievement of personal freedom and Roman citizenship, Taylor evidently contradicted her main argument, according to which freed slaves were often unwilling to declare their (inferior) status.<sup>368</sup> Yet, despite this striking internal inconsistency, Taylor's article was well received by her contemporaries; it had a profound (if sometimes subtle) impact on modern scholarship, not only in regard to the study of freedmen and freedwomen in the Roman Empire, but more generally in regard to the scholarly understanding of the epigraphic production in imperial times.<sup>369</sup> For example, while she was not directly referenced by MacMullen in his seminal article

---

<sup>362</sup> Taylor 1961, 123-4.

<sup>363</sup> Taylor 1961, 128.

<sup>364</sup> Taylor 1961, 129.

<sup>365</sup> Taylor 1961, 129.

<sup>366</sup> Taylor 1961, 132.

<sup>367</sup> Taylor 1961, 130-1.

<sup>368</sup> This contradiction was already highlighted by Mouritsen 2011, 282.

<sup>369</sup> D'Arms 1974.

that highlighted the existence of an “epigraphic habit” in the Roman Empire,<sup>370</sup> it is logical to infer that Taylor’s considerations might have served as the methodological foundation for his study, and in particular her observation that the true composition of Roman society is not reflected accurately in the inscriptions. However, Taylor’s most influential contribution to modern scholarship is perhaps the development and refinement of that system of onomastic criteria first put together by Frank and later adopted by Gordon,<sup>371</sup> which the majority of contemporary scholars still use to investigate the legal and social background of *incerti* and freeborn alike.<sup>372</sup> In particular, Taylor’s overarching argument that a Greek *cognomen* was usually a sign of servile condition, even in the absence of a clear indication of status, has been further reinforced by the onomastic studies carried out by Solin in more recent years.<sup>373</sup> More generally, her suggestions that the majority of the *incerti* recorded in the surviving Latin inscriptions were in fact freed slaves, and that people of servile descent dominate the epigraphic evidence, have both gradually become a tenet of modern scholarship,<sup>374</sup> having been challenged only by Weaver, and (partially) by Bruun.<sup>375</sup> In particular, Taylor’s observation on the prevalence of the *incerti* in the *tituli sepulcrales* being a ‘[...] reflection of the freedman’s unwillingness to declare his inferior status [...]’<sup>376</sup> has become so ingrained in contemporary scholarly thought that, still in 2014, Koops remarked that a freed slave would have ‘[...] little reason to commemorate what amounted to a second-class citizenship [...]’.<sup>377</sup>

## II Charting different epigraphic habits

At first glance, the theory that freed slaves might have been unwilling to record their status in inscriptions appears sufficient to explain the significant rise in the number of *incerti* in epigraphic production in imperial times, especially if corroborated by the

---

<sup>370</sup> MacMullen 1982.

<sup>371</sup> Although she did not reference Frank, in her study on the descendants of freedmen in municipal life, Gordon commented that the most important evidence of servile descent was offered by nomenclature. In particular, she observed that the *cognomen* was ‘[...] the most revealing part of the name; if Greek, it is suspicious; if servile, whether Greek or Latin, it is conclusive as evidence of descent from *liberti*.’: Gordon 1931, 69.

<sup>372</sup> For example, Garnsey 1975; Mouritsen 2005 and 2005. *Contra*, Chantraine 1967.

<sup>373</sup> Solin 1971; 1977a and 1977b; 2001; 2003.

<sup>374</sup> For reference, see von Hesberg 1992; George 2005; Mouritsen 2004 and 2005; Eck 2007.

<sup>375</sup> Weaver 1972, 83-6; Bruun 2013; 2015, 608.

<sup>376</sup> Taylor 1961, 122.

<sup>377</sup> Koops 2014, 118. A similar argument was put forward by Campbell (2015, 65), who again suggested that freed individuals might have been more likely to gloss over their status.



notion that a Greek *cognomen* can be considered a reliable indicator of servile background. However, a closer examination of the inscriptional evidence reveals that this theory fails to take adequately into account the changes in attitude towards the use of certain formulas that might have evolved through the centuries. This reconstruction is in fact already present in Taylor's article; but while she recognised that a decline in the indication of legal status could be seen to a lesser degree also in some of the epigraphic evidence recording freeborn individuals, as revealed by a few inscriptions honouring senators without mentioning their filiation or their voting tribe,<sup>378</sup> not enough attention was dedicated to investigating the extent of the phenomenon. For example, Taylor was aware that – occasionally – freed individuals could record in some inscriptions their libertination while abstaining from indicating their legal status in other epigraphic documents, thus appearing as freedmen and freedwomen in the former and as *incerti* in the latter; but she also highlighted that a similar practice was *not* documented among the freeborn.<sup>379</sup>

However, as will be presently seen, a broader examination of the epigraphic evidence from the city of Rome – and its surroundings – clearly indicates that a discontinuous use of filiation in inscriptions recording the same individual is attested also for men and women of free birth. In this sense, particularly emblematic are the cases of Numisia Maximilla and Flavia Publicia, who both served as Vestalis Maxima at different points in the 3<sup>rd</sup> century AD, and to whom several statue bases were dedicated. The earlier case is that of Maximilla, who was honoured with two statues, one of which can be dated to AD 201 thanks to a record of the consular date. The statues were set up by two different individuals, whose names are both inscribed without an indication of their filiation, libertination, or voting tribe. In the one dated to AD 201, which was dedicated by Tiberius Iulius Balbillus,<sup>380</sup> the honoured woman is remembered simply as Numisia Maximilla, despite the fact that, as a Vestal, she must have been of free birth. The second inscription, which cannot be dated but must be roughly contemporary to the other one, additionally indicates her filiation (*Luci filia*), and was offered by Caius Helvidius Mysticus, a *devotus*.<sup>381</sup> The other Vestal, Flavia Publicia, who was first attested as Vestalis Maxima in AD 247 and who was still alive under the reign of Gallienus, was honoured with at least ten statue bases, by several

---

<sup>378</sup> Taylor 1961, 122.

<sup>379</sup> Taylor 1961, 123.

<sup>380</sup> CIL VI, 2129

<sup>381</sup> CIL VI, 3411.

different dedicators.<sup>382</sup> Despite the relatively large number of inscriptions honouring Publicia, her filiation (*Luci filia*) is recorded only in two documents; in the other eight, her name appears without any status indicator (other than the reference to her priesthood).<sup>383</sup>

The *tituli honorarii* dedicated to Maximilla and Publicia belong to a small yet significant sample of 37 dedications to Vestal Virgins which, due to their wide chronological distribution, can further shed light on the changing attitudes of the upper strata of Roman society towards the use of filiation.<sup>384</sup> Excluding Maximilla and Publicia, only two of the Vestals honoured in such a fashion had their names recorded with their filiation. And while none of these inscriptions can be dated as accurately as the ones dedicated to Maximilla, a prosopographical study carried out by Gallia has demonstrated that one – Iunia Torquata – was active at the beginning of the 1<sup>st</sup> century AD, while the second one had been active as Vestalis Maxima in the earlier years of Trajan's reign.<sup>385</sup> The remaining eight women, who account for the majority of the Vestals honoured with a monument, and who served mostly between the 3<sup>rd</sup> and the 4<sup>th</sup> centuries AD, had their names inscribed without filiation.

Turning one's attention to the dedicators, it also becomes apparent that filiation and libertination, as a rule, are omitted from their onomastic record as well. In fact, of the circa 43 primary and secondary dedicators mentioned in the 36 inscriptions, only 3 formally indicate their legal status. The first two, the freedmen named Iuvenius and Actius, both appear as the dedicators of two of the earliest of the surviving inscriptions.<sup>386</sup> Both monuments are dated to the 1<sup>st</sup> century AD, when the inclusion of status indicators was a fairly standard practice even in epitaphs,<sup>387</sup> as corroborated

---

<sup>382</sup> CIL VI, 2134, set up in AD 247; 2135, set up between AD 254 and 257; 32416, set up in AD 257. The other honorific inscriptions dedicated to Publicia are: CIL VI, 2147; 32414; 32415; 32417; 32418; AE 2010, 620; Cecconi 2014, 184 n. 3. For a thorough study on Flavia Publicia, see Ruggieri 2015.

<sup>383</sup> CIL VI, 32414; 23415.

<sup>384</sup> Most of the inscriptions discussed in the present study accompanied statue bases. For a thorough study on the portraiture of the Vestal Virgins, a topic which will not be examined here, see Lindner 2015.

<sup>385</sup> Gallia 2015, 82-4. The inscriptions in question are: CIL VI, 2127 and 2128, both dedicated to Iunia C. Silani f. Torquata; and 32409, dedicated to Praetextata Crassi f. Furthermore, there is another inscription which records the filiation of a Vestal Virgin, AE 1931, 78, dedicated to Cossinia L.f., but it is an epitaph rather than a honorary inscription, and therefore it has been excluded from the present study.

<sup>386</sup> CIL VI, 2127 and 2128

<sup>387</sup> Taylor 1961, 119.

by the fact that this particular inscription is one of the very few documents to record the filiation of the Vestal honoured as well. The other inscription was set up at a much later date, roughly in the first quarter of the 3<sup>rd</sup> century AD, and it differs in many ways from most of the other dedications to Vestals. While the inscription was carved on a statue base that was meant to honour Terentia Flavula,<sup>388</sup> much of the text rather served the purpose of enumerating in full the *cursus* of the main dedicator, her brother Quintus Lollianus Plautius Avitus, from his first office as *triumvir monetalis* to his consulship. The impression that the inscription was meant to honour Avitus as much as Flavula is further strengthened by the fact that the text also mentioned Avitus' filiation and voting tribe, while the secondary dedicators, his wife and his daughter, were both relegated to the last two lines, and were recorded without filiation. Another inscription, again commissioned to honour Flavula but dedicated by a different brother, Terentius Gentianus, followed a similar layout and might have served similar purposes. Yet, the career of Gentianus was summarised in a more concise fashion, by indicating his senatorial rank (*vir clarissimus*), his role of Flamen Dialis and only the highest ranking magistracy he had attained at the time, the praetorship. Furthermore, neither Gentianus' filiation nor his voting tribe were recorded, and neither were those of the secondary dedicators, Gentianus' wife Pomponia Paetina and his nephew Lollianus Gentianus, with whom he shared the *cognomen*.<sup>389</sup> While it is evident that both Avitus and Gentianus commissioned the monuments to commemorate their *cursus honorum* as much as to honour their sister Flavula, a comparison of the elements that each of the brothers chose to incorporate in the text reveals their slightly diverging attitude towards the use of filiation in honorific inscriptions. In particular, it can be stated that Gentianus, a senator, a prominent priest and a former praetor, did not perceive his rank as diminished by an omission of the record of his filiation and voting tribe. Both elements were instead included in the

---

<sup>388</sup> CIL VI, 32412. The inscription must be dated after AD 209, when Avitus served as consul *suffectus*.

<sup>389</sup> CIL VI, 2144. The inscription must be dated before AD 211, when Gentianus served as *consul*. As noted above, it should also be stressed that the dedicator is not using his full name, which was likely Hedius Lollianus Terentius Gentianus. It might be suggested that Lollianus Gentianus was one of the sons of Lollianus Plautius Avitus, although the finer details of the relationship between the different members of this senatorial family are not always easy to appreciate. The family conventionally indicated as the 'Hedii Lolliani Gentianii' (PIR<sup>2</sup> H) offers an emblematic example of polyonymy among the upper strata of Roman society, and it is evident already from the two inscriptions discussed on these pages that each of the three brothers Avitus, Flavula and Gentianus put emphasis on different elements of their full onomastic record, which they used as signifiers at the expenses of others, which were instead omitted. For a discussion of polyonymy in Roman onomastic practices, and on the concept of signifier, see Salway 1994.

onomastics of Avitus; but an inspection of how Avitus' *cursus* is presented – omitting the title of *vir clarissimus* that he must have held, while at the same time painstakingly enumerating all of the magistracies and military posts he had attained – actually suggests that his filiation and voting tribe might have been included mainly for the purpose of mirroring the structure of earlier *cursus* inscriptions.<sup>390</sup> A further suggestion that the different approaches adopted by the two brothers in recording their onomastics might actually be the result of a stylistic choice, rather than a real difference in the value they each attached to filiation, is offered by the fact that neither of the two inscriptions mentions Flavula's filiation, nor that of any of the secondary dedicators.

Regardless of what reasons might have prompted Avitus to include a record of his filiation and voting tribe in his inscription, the rest of the men and women who commissioned a dedication to the Vestal Virgins, much like Gentianus, chose not to incorporate these elements in their inscribed onomastics. And while it cannot be excluded that some dedicators might have been men and women of servile background, it should be highlighted that many of them were senators or members of the senatorial class, *equites*, officers of the army, and parents and close relatives of the Vestal Virgins.<sup>391</sup> Furthermore, the onomastics of some of these prominent individuals include elements, such as a Greek *cognomen* or an imperial *nomen* like Aurelius, which, according to the criteria devised by Frank and Taylor, would put them under the strong suspicion of being freed slaves or descendants of freed slaves, in the absence of any other indirect indicator of status.<sup>392</sup>

Although the sample offered by the honorific inscriptions set up for the Vestals is too small to be considered of statistical relevance, it still shows how status indicators –

---

<sup>390</sup> Gallia 2015, 86. For reference, see the *cursus* inscriptions of: Caius Appuleius Tappo, CIL V, 862, dated between 50 and 27 BC; Quintus Sanquinus, CIL VI, 1623, dated between 27 BC and 14 AD; Lucius Aquilius Florus Turcianus Gallus, CIL III, 551, dated between AD 52 and 53; Marcus Helvius Geminus, CIL III, 6074, dated between AD 54 and 70.

<sup>391</sup> On the families of the Vestal Vergins and on their closer relations, see Gallia 2015.

<sup>392</sup> CIL VI, **2129**: Aemilius **Pardalas**, *tribunus cohortis I Aquitanicae*; **2132**: Quintus Veturius **Callistratus**, *vir egregius*; **2133**: **Flavius Silvinus** and **Flavius Ireneus**, maternal nephews of the Vestalis Maxima Flavia Mamilia; **2134**: Quintus Veturius **Memphius**, *vir egregius* and a possible relation of Callistratus; **2137**: **Flavius** Marcianus, *vir egregius*, **Flavius Eucharistus** and **Septimius Epictetus**, *iuvenes perfectissimi* and *sacerdotes sacrae Urbis*, **Aurelius Optatus**, *sacerdos sacrae Urbis*; **2139**: **Pierius**, brother-in-law of the Vestalis Maxima Coelia Claudiana, only mentioned with a *simplex nomen*; **32415**: **Ulpus** Verus and **Aurelius** Titus, *centuriones*.

and especially filiation – might have gradually lost their original importance, at least in less official documents. The trend is particularly noticeable in the evidence dating from the second half of the 2<sup>nd</sup> century AD onwards – when epigraphic production in the Roman Empire reaches its peak,<sup>393</sup> and it appears to be fully in line with the chronological development documented by Taylor for the *tituli sepulchrales* from Rome.<sup>394</sup> Moreover, this phenomenon is not limited to the documents thus far examined. Rather, the omission of filiation in the onomastics of individuals who were undoubtedly of free birth and in possession of the Roman franchise appears to be much more widespread than Taylor’s study would suggest at first sight, as shown by a cursory examination of around seven hundred inscriptions from Rome commemorating men and women of senatorial or equestrian rank. In fact, filiation is only recorded for a small proportion of the individuals mentioned in the inscription examined: 20 of the around 600 members belonging to the senatorial class, and only 1 of the circa 90 men and women of equestrian rank.<sup>395</sup> Titles such as *vir clarissimus* became more common only in the 2<sup>nd</sup> century AD, so it could be objected that the omission of filiation in these inscriptions reflects a later development in epigraphic practices.<sup>396</sup> But while it cannot be denied the trend of omitting filiation became more common in later times, the practice is occasionally attested in earlier epigraphic evidence as well.<sup>397</sup> One of the oldest and more prominent examples is perhaps offered by the inscriptions carved on the two statue bases dedicated to Caius Cestius Epulo, which were originally on display outside his tomb, the so-called “Pyramid of Cestius” in Rome.<sup>398</sup> As the text reveals, the statues were paid by Epulo’s heirs with the sum obtained from the sale of Attalic fabric which he, in his will, had requested to be interred in his burial, a request that the heirs were prevented from fulfilling by an edict of the Aedile, which was perhaps enforced following Augustus’ sumptuary legislation.<sup>399</sup> Interestingly, the inscriptions do not record Epulo’s filiation or voting tribe, or those of his heirs, despite most of them being prominent former magistrates, like Marcus Valerius Messalla Corvinus and Marcus Agrippa, Augustus’ own relation

---

<sup>393</sup> MacMullen 1982.

<sup>394</sup> Taylor 1961, 119.

<sup>395</sup> The results of this survey are presented in Appendix I.

<sup>396</sup> For an in-depth discussion of the chronology usually associated to the titles adopted by members of the senatorial and equestrian classes, again see the introductory paragraphs of Appendix I.

<sup>397</sup> CIL X, 7459: inscription honouring Lucius Cornelius Scipio; CIL VI, 40903: inscription honouring Cnaeus Pompeius Magnus, dated between 61 and 52 BC;

<sup>398</sup> On Caius Cestius Epulo and his tomb, see Gordon 1983, 101-2.

<sup>399</sup> Bottiglieri 2016; the existence of a sumptuary legislation promulgated by Augustus is known through Suet. *Aug.* 34.

and general.<sup>400</sup> However, both onomastic elements are instead present in a third inscription, which was set up on the façade of Epulo's tomb, and which records not only his *cursus*, but also his filiation and voting tribe (*Luci f., Poblilia*), and those of his executor Lucius Pontius Mela (*Publi f., Claudia*), who was also mentioned on the statue bases as one of his heirs.<sup>401</sup> A comparison of the three documents seems to indicate that, already in the early years of the Principate, a segment of the population had started to embrace the idea that status indicators – and in particular filiation and the record of the voting tribe – could (sometimes) be omitted from certain categories of inscriptions.

There is no univocal explanation as to why this epigraphic behaviour began to take hold, but it can be suggested that status indicators were occasionally not included in some types of epigraphic documents because they were not deemed relevant for the purpose served by those particular inscriptions. For example, in almost all of the surviving fragments of the acts of the Arval Brethren,<sup>402</sup> a priesthood revived at some point under the reign of Augustus, filiation was systematically omitted from the onomastics of the Brothers, who were all prominent members of Roman society.<sup>403</sup> On the other hand, the inscriptions that accompany monuments dedicated individually to former Arval Brothers, which usually included their *cursus* in full, almost invariably recorded both their filiation and voting tribe, with the most prominent exception – the monument for the consul Publius Aelius Coeranus – being dated to the beginning of the 3<sup>rd</sup> century AD.<sup>404</sup> This is, however, not surprising: the monuments honouring former Arval Brothers were not commissioned by the Brethren, but rather by private citizens or by those civic communities that could boast a connection with them. And

---

<sup>400</sup> CIL VI, 1375.

<sup>401</sup> CIL VI, 1374: C(aius) Cestius L(uci) f(ilius) Pob(lilia) Epulo pr(aetor) tr(ibunus) pl(ebis) / Vllvir epulonum // opus apsolutum ex testamento diebus CCCXXX / arbitrato / [L(uci)] Ponti P(ubli) f(ili) Cla(udia) Melae heredis et Pothi l(iberti).

<sup>402</sup> On the Arval Brethren and their *acta*, see Beard 1985.

<sup>403</sup> The main exceptions are CIL VI, 2041, 2042 and 2043, in which filiation is used **exclusively** for Lucius Calpurnius (L. f.) Piso; however, Piso's filiation is omitted in 2039. It should also be noted that Lucius' father, the son of Gnaeus Calpurnius Piso, had been forced to change his original *praenomen* from Gnaeus to Lucius after his father's trial following the death of Germanicus, so it is possible that the inclusion of Lucius Piso's filiation – a unique occurrence in the *acta* – might be connected to his family history. The bibliography on the 's.c. de Cn. Pisone patre' is vast: for the first edition, see Eck, Caballos and Fernández 1996; for a study on the 'moralising message' of the *senatus consultum*, see Cooley 1998, and especially 205–6 on the Senate's decision to change the younger Gnaeus Calpurnius Piso's *cognomen* into Lucius. More in general, while filiation was absent in the names of the Brothers, it was systematically included in the onomastics of the members of the *domus Augusta* mentioned in the *acta*.

<sup>404</sup> CIL XIV, 3586.

while the inscriptions that accompany these monuments are honorific in nature, they all tend to take the form of a *cursus* inscription, which seems to be one of the types of epigraphic documents most impermeable to change, at least until later times.<sup>405</sup>

While it could be argued that the exclusion of filiation from the onomastic record of the Brothers, in the *acta Arvalium*, might be a reflection of the cultic activities practised by the Brethren, the omission of status indicators is also attested in other categories of epigraphic documents belonging to the religious sphere, and in particular in votive inscriptions. In fact, in Roman Italy, only a small number of inscribed ex-votos include the filiation or libertination of the men and women who commissioned these monuments. As a result, the vast majority of the dedicators of *votum solutum* inscriptions appear to be *incerti* to modern scholarship: between 50 to 82 per cent of the individuals mentioned in the sample examined are recorded without any indication of filiation, libertination or voting tribe. And while, in some areas, status indicators are more commonly included in votive inscriptions, overall the trend holds in every *regio* of Italy, including Rome itself: the detailed results of my analysis of the relevant epigraphic evidence are presented in Appendix II. It goes without saying that some of the *incerti* who commissioned votive monuments will have been former slaves. Yet, the idea that the *majority* of them were either of freed condition or descendants of freedmen – similarly to what has been suggested by Taylor for the *incerti* in the epitaphs from Rome – does not find support in the evidence here analysed. Even by maintaining that certain Latin *cognomina* had a distinctive servile nature,<sup>406</sup> and that Greek ones were usually borne by freed slaves and their descendants – criteria that are flimsy to begin with, and which apply only to specific periods,<sup>407</sup> an examination of the inscribed monuments reveals the presence of many dedicators with entirely “respectable” Latin names,<sup>408</sup> despite their apparent status as *incerti*.<sup>409</sup> Furthermore,

---

<sup>405</sup> For reference, and to offer just one example, see the three *cursus* inscriptions honouring Lucius Fulvius Gavius Numisius Petronius Aemilianus, consul in AD 205 and 249. CIL VI, 1422 (Rome) and CIL XIII, 1816 (Lugdunum), both set up before Aemilianus’ *first* consulship, thus dated before AD 205, both include his filiation and voting tribe; the two onomastic elements are instead omitted from CIL X, 3856 (Capua), which can be dated between AD 223 and 235.

<sup>406</sup> On the idea that certain *cognomina* had a distinctive servile character, see Frank 1916; the notion has been embraced by part of modern scholarship, for example Kajanto 1965 and Mouritsen 2004. *Contra* Weaver 1964.

<sup>407</sup> On the risks of using the onomastics as an indicator of status, see Weaver 1972; on the adoption of Greek *cognomina* by men and women of free birth, see Solin 2009.

<sup>408</sup> The notion of “respectable” Latin *cognomina* as opposed to “servile” ones has been coined by Duthoy 1989.

<sup>409</sup> Just to offer a few examples: Quintus Marcius Petronianus and his daughter Marcia Marcellina (CIL XI, 1300); Caius Domitius Priscus (CIL XI, 1299); Marcus Torrius Paulinus (CIL XI, 822); Marcus Fabius Secundus (CIL X, 801); Caius Velleius Cerialis (CIL X, 1612);

the practice of omitting status indicators is not restricted to ex-votos dedicated to Oriental deities, which are often associated with freed slaves by scholars:<sup>410</sup> it is also well documented in inscriptions honouring more “traditional” Italic or Roman cults. Even more importantly, it is evident that a few of the individuals who commissioned votive monuments had their titles recorded alongside their names, despite choosing to omit their filiation, following the trend attested in honorific inscriptions discussed above. The titles in question offer an indirect indication of the free birth of these men and women, and further signal that erecting monuments in fulfilment of a vow was a practice embraced by every stratum of Roman society. Some of the dedicators who omitted their filiation belonged to the senatorial class, while others were of equestrian rank; a few served in the army, either as soldiers or officers; finally, some ex-votos were commissioned by Roman priests or magistrates, including consuls, or by members of the municipal governing class.<sup>411</sup> Occasionally, the legal condition of those dedicators who omitted their filiation or libertination can also be appreciated through references internal to the inscription itself. Therefore, it is evident that the practice of omitting status indicators in votive monuments was embraced both by freeborn and freed individuals alike, as shown by a few monuments dedicated by former slaves who made their legal condition clear, while not recording their

---

Lucius Porcius Severinus (AE 1940, 1); Plautia Felicitas (CIL IX, 1552); Caius Baebius Lupulus (CIL IX, 157); Lucius Mummius Niger (CIL IX, 948); Caius Marcius Silvanus (AE 2014, 372); Publius Iuventius Iustinus (CIL XI, 5801); Lucius Viblatro Clemens (CIL XI, 5611); Caius Paetius Firmus (AE 1948, 119); Caius Aunius Aper (CIL XI, 2951); Quintus Babienus Proculus (CIL V, 37); Gaius Lucius Tertius (CIL V, 1963); Lucius Placidius Tertius (CIL V, 5117); Lucius Naevius Secondinus (CIL V, 5514); Caius Vennonius Macer (CIL V, 7690).

<sup>410</sup> For example, see the debate on the role played by the ‘Syrian goddess’ in the (so-called) slave revolts of Eunus, in Vogt 1957. More recently, Morton (2013) has observed that the prejudice against Eastern cults being associated especially with people of servile descent was already ingrained in Roman sources.

<sup>411</sup> Some examples: Lucius Licinius Iustus, *miles cohortis VII praetoriae* (CIL XI, 6111); Lucius Appius Verecundus, *centurio cohortis VII praetoriae* (CIL VI, 661); Publius Scribonius Proculus, *centurio cohortis VI Vigilum* (AE 1992, 599); Caius Petilius Venustus, *tribunus praetorianus* (CIL V, 748); Lucius Rubrius Maximus, *praefectus equitum alae Hispaniorum* (CIL XIV, 22); Salonijs Secondinus, *IIIvir iure dicundo and aedilicia potestate at Vicetia* (CIL V, 3102); Titus Valerius Crescens, *IIIvir iure dicundo of Comum* (CIL V, 5463); Auconius Optatus, *eques equo publico, decurio and IIvir at Auguntum in Noricum* (CIL V, 708); Marcus Claudius Demetrius, *VIIvir Epulonum* (AE 1995, 194); Valerius Valens, *vir perfectissimus and praefectus classis Misenensis* (CIL X, 3336); Ceionus Rufius Volusianus, *vir clarissimus and holder of several priesthoods* (CIL VI, 846); Aurelia Flavia Iuliana, *clarissima femina* (CIL VI, 113); Scipio Orfitus, *vir clarissimus and augur* (CIL VI, 402); Maecius Probus, *vir clarissimus and praefectus alimentorum* (CIL X, 3805); Caius Iulius Rufus, *clarissimus vir and proconsul Campaniae* (CIL X, 623); and the consuls Maemmius Caecilianus Placidus (CIL XI, 5740), Marcus Nonius Arrius Mucianus (CIL V, 5092), Fabius Titianus (AE 1893, 124), Titus Caesernius Statius Quinticius Macedo Quinctianus (CIL XIV, 2253).



libertination.<sup>412</sup> Since it is difficult to maintain that an individual who omitted their libertination on the monument they dedicated for the good health of a *collibertus* was actively trying to hide their legal condition, the reason for their choice of not including libertination must be found elsewhere.<sup>413</sup> Thus, taking into account the various pieces of information that can be gleaned through a careful comparison of votive inscriptions, the evidence suggests that the vast majority of the dedicators of ex-votos considered the inclusion of status indicators of little relevance for the purpose served by the monument, including some of the individuals who otherwise recorded their rank. Overall, it can be inferred that the widespread omission of status indicators on votive monuments should be linked to the personal nature of these inscription, which were addressed primarily to the deities and not to the rest of the community; in turn, the character of the inscription made the inclusion of filiation or libertination often redundant. Although extremely common, the practice was not universal, but rather left to the personal choice of the dedicators, as shown by a small corpus of 14 votive monuments from Travo in Aemilia, all consecrated to Minerva – and hence all expressions of the same cultic activity:<sup>414</sup> while the great majority of the dedicators appear as *incerti*, a woman still decided to record her filiation.<sup>415</sup>

The omission of status indicators is also attested in inscriptions that belonged exclusively to the public sphere. In particular, a cursory examination of the nearly one thousand electoral slogans from Pompeii reveals that a record of the voting tribe was never included in the onomastics of the men whom the slogans invited voters to elect, and filiation is attested only for four candidates out of several dozen.<sup>416</sup> The men in question were competing for the local magistracies and hence were invariably of free birth and in possession of the Roman citizenship. It can be suggested that, as a rule, status indicators were omitted from this particular typology of inscription because they were not considered relevant for the purpose of the slogan. Since electoral inscriptions are almost exclusively documented at Pompeii, it is impossible to

---

<sup>412</sup> For reference, see CIL V, 4298 and 5645, both commissioned by individuals who did not record their libertination, in fulfilment of a vow for the good health of their patrons.

<sup>413</sup> For reference, see CIL XI, 1581. Of a similar opinion, Vermote 2016, 132-4.

<sup>414</sup> On the cult of Minerva Medica in the region, see Criniti 2013; Berbenni 2008.

<sup>415</sup> The inscriptions are: CIL XI, 1293 to 1296, 1298 to 1307, and 1309. The only one to record the dedicators' filiation is 1301, commissioned by Maria C. Mari Umbonis f. However, it should be noted that Maria is the only individual lacking a *cognomen*, so the possibility that she chose to include her filiation in the inscription might reperent as a means to distinguish herself onomastically.

<sup>416</sup> Lucius Popidius L.f. Ampliatus, from AE 1928, 111 and other slogans, occasionally spelled as Lucius Popius Ampliatus, like in CIL IV, 7706; Marcus Licinius M.f. Romanus, from 7456; Lucius Popidius L.f. Secundus, from 7963; [-]ssius C.f. Ru[fus] from 9937.

ascertain if the omission of filiation from electoral slogans was a standard practice in Roman Italy, nor where and when exactly the habit developed; yet, nothing suggests that the practice was limited to the Vesuvius area.<sup>417</sup> The circumstances that brought Pompeii's civic life to a sudden end also managed to preserve other examples of wall inscriptions that can shed further light on the use of filiation, such as those advertising gladiatorial games. The formulas adopted in this particular category of inscription show a certain degree of variation; nonetheless, they usually mention the place where the games were going to be held, the day when the gladiators were going to fight, a reference to how many pairs of gladiators were going to take part in the games, and an indication of who was sponsoring the event.<sup>418</sup> At Pompeii, none of the surviving pieces of advertisement included the filiation (or libertination) of the men who paid for the spectacles, regardless of their legal status.<sup>419</sup> The omission seems particularly striking in the five inscriptions commissioned by Decimus Lucretius Satrius Valens to advertise the games he had sponsored with his son.<sup>420</sup> While none of them recorded the filiation of either of the men, the texts were fashioned to put Valens' name as the very first element of the advertisement, and to include his role of *flamen perpetuus* of Nero Caesar (Augusti filius) as well. Evidently, by mentioning his sacerdotal duties, Valens wanted the reader to be immediately aware of his social standing within the civic community. Yet, despite his desire to highlight his status, it can be suggested that Valens, like other Pompeian notables, considered the inclusion of filiation not only of little importance for the purpose served by these inscriptions, but also for the particular message he wanted to convey through them. On the other hand, the other inscription related to Valens – his funerary *columella* – made no reference to his *flaminatus* or any other public role he might have held at Pompeii, and instead included both his filiation (*Decimi f.*) and voting tribe (*Menenia*).<sup>421</sup> Valens' epitaph

---

<sup>417</sup> There are two other inscriptions that employ the "*oro vos faciatis*" typical of electoral slogans, one from Puteoli, NSA 1931, 363, and one from Rome, ICUR VIII, 22737a; unfortunately, both are extremely fragmentary and do not mention any name, and might not even be electoral inscriptions.

<sup>418</sup> On gladiatorial games at Pompeii, see Jacobelli 2003

<sup>419</sup> For reference, see CIL IV, 1187 sponsored by Quintus Monnus Rufus; 3882, by Sta[-] Pompeus *flamen Augustalis*; CIL IV, 9979 by Marcus Tullius; 9970, by Aulus Settius Partenion and Aulus Settius Niger, who stated their condition of *liberti* without using their libertination. Several games were sponsored by Cnaeus Alleus Nigidius Maius, who served as *duumvir iure dicundo quinquennalis*. In 1179 and 7991, Maius highlighted his position as civic magistrate while omitting any status indicator from his onomastic record; in CIL IV, 1180, Maius stressed out his role of *flamen Caesaris Augusti*, again while omitting his status. On Maius and his role as sponsor of gladiatorial games at Pompeii, see Franklin 1997.

<sup>420</sup> AE 1915, 61a; CIL IV, 1185; 3884; 7992; 7995.

<sup>421</sup> AE 1994, 397.

was not on display in any of the public necropoleis: rather, it was laid in an enclosure not far from his villa in the *ager Pompeianus*, alongside those of at least six other members of his family.<sup>422</sup> Considering the location, it is unclear whether the tomb could be accessed by the public, or only by the residents of the villa and their guests. However, it can be inferred that the monument was originally meant to be, if not accessible, at least visible to the passers-by.

Compared to one another, the inscriptions commissioned by Valens clearly show that not every piece of epigraphic production included the same onomastic elements. On the contrary, the structure and content of each inscription varied according to its purpose and place of display, and that applied also to the broad range of status indicators. In particular, in the inscriptions advertising the gladiatorial games that Valens had sponsored, which were distinctly public in nature, it is evident that he had privileged highlighting his role of *flamen perpetuus* over his filiation, as other notables had done in their own advertisements. On the other hand, his epitaph, which was likely accessible only to his close relations, appears devoid of any reference to his social standing, while it recorded both his filiation and voting tribe, maybe simply in keeping with the epigraphic norms of the monument.

That said, the consistent inclusion of filiation in all the epitaphs of the Lucretii Valentes is not actually surprising: while the chronology of the family tomb excavated in the *ager Pompeianus* is not entirely clear, the two oldest burials have been dated to the Augustan era, when recording status indicators in funerary inscriptions was a common practice.<sup>423</sup> But while the epigraphic norms adopted by the Lucretii Valentes for their epitaphs appear to be a continuation of practices well attested since the 3<sup>rd</sup> century BC,<sup>424</sup> the location of the family tomb signals an important departure from the habit of erecting funerary monuments within the civic necropoleis. The seeming withdrawal of the Lucretii Valentes from the public funerary space in favour of a more private arrangement has been interpreted by Mouritsen, convincingly, as a manifestation of the Pompeian notables' progressive loss of interest in monumentalising their burials.<sup>425</sup> Of course, not every prominent family followed the

---

<sup>422</sup> De Spagnolis Conticello 1994.

<sup>423</sup> Taylor 1961, 119.

<sup>424</sup> One of the very first examples of the use of filiation in funerary epigraphy is offered by the epitaphs of the Scipiones, the most ancient of which is the one belonging to Lucius Cornelius Scipio Barbatus consul in 298 BC (CIL VI, 1284).

<sup>425</sup> Mouritsen 2005, 48-50.

example set by the Lucretii Valentes and withdrew from public space. Yet, Mouritsen's study showed that even the funerary monuments of those members of the municipal governing class who were buried in the urban necropoleis were often characterised by a certain degree of modesty, in the architectural features of the tombs as well as in the scale and content of the inscriptions which accompanied them.<sup>426</sup> In Mouritsen's opinion, the dwindling interest shown by the elite in monumentalising their burials was in part influenced by a shift in commemoration practices, which saw the notables 'competing' for local prestige by setting up honorific inscriptions in the public spaces; the necropoleis were left to the lower strata of the population, and especially to individuals of servile extraction. But while Mouritsen built a persuasive case in demonstrating that freed individuals could occasionally use their burial plot as the space to advertise their achievements,<sup>427</sup> there is no reason to believe that the modesty and restraint shown by the notables in commemorating their dead should not have spread to other strata of Roman society, at Pompeii as in the rest of Roman Italy.<sup>428</sup> The impression is further strengthened by the progressive emergence – in the 1<sup>st</sup> century AD – of a more utilitarian approach towards funerary architecture, which generally privileged simple exteriors and closed-off spaces, even for those monuments that otherwise featured lavishly decorated interiors.<sup>429</sup> Furthermore, a comparison between the chronological diffusion of the new funerary practices in the necropoleis of the better documented centres – like Ostia and Portus – and the progressive rise in the number of the *incerti* in the *tituli sepulcrales* from Rome highlighted by Taylor reveals a partial chronological overlap. As Mouritsen pointed out, the widespread adoption of enclosed monuments resulted in the majority of the funerary inscribed evidence not being visible to the general public, with the main exception being the inscriptions on display on the façade of the actual tomb or its enclosure.<sup>430</sup> Thus, it can be suggested that the largely private nature which epitaphs had in imperial times – in many centres in Italy as in the provinces – might have played a role in the gradual disappearance of filiation and libertination, at least in some

---

<sup>426</sup> Mouritsen 2005, 45-54.

<sup>427</sup> Mouritsen 2005, 53-58. He, however, interpreted the status of Marcus Vergilius Eurysaces, an *incertus* in his inscriptions (CIL I<sup>2</sup> 1203-5), as that of a freedman, simply on onomastic grounds, on the absence of status indicators and, although it is not explicitly mentioned in the article, because of the extravagance and lavishness of his funerary monument.

<sup>428</sup> Scott 2013, 93, observed that, in the necropolis of Porta di Ercolano, the architecture of a tomb belonging to a *duumvir* and that of a freedman are virtually indistinguishable. This argument was also endorsed by Campbell 2015, 45.

<sup>429</sup> von Hesberg and Zanker 1997; Mouritsen 2005, 59.

<sup>430</sup> Mouritsen 2005, 59.

categories of funerary inscriptions. In particular, the inclusion of status indicators might have been considered of little relevance especially for those inscriptions that marked a burial within an enclosed monument. If a funerary chamber was primarily accessible only to the *familia* of the entombed and their closer relations (such as friends), a simple record of the name of the deceased and of the dedicators of the epitaph might have been considered enough, particularly for the *tituli sepulcrales* inscribed on smaller material supports, such as the *tabellae* used to seal the cinerary urns, and for those directly inscribed on the *ollae*. Not infrequently, the epitaphs also indicated the relationship between the deceased and the dedicators of the inscription, which allows us to understand better the familial connections of the individuals mentioned and, occasionally, also their legal condition, even when their onomastics did not include any status indicator. The practice is attested in the *tituli sepulcrales* of freeborn and freed individuals alike, and thus the omission of the two status indicators here considered (filiation and libertination) must have been a deliberate choice on the part of the dedicators, rather than a habit embraced mainly by men and women of a particular legal condition.<sup>431</sup> Moreover, a few epitaphs devoid of any indicator of status were set up by individuals who nonetheless wanted to stress that, in life, the deceased had been their *collibertus* or *colliberta*, *patronus* or *patrona*, *libertus* or *liberta*.<sup>432</sup> The reason for the omission of libertination, in these instances, cannot be a reflection of '[...] the freedman's unwillingness to declare his inferior status [...]';<sup>433</sup> as stated already above. Quite evidently, the relationships between the deceased and the dedicators were often eternalised on epitaphs because they emphasised the role performed by each individual within the *familia*, and presumably mattered to those

---

<sup>431</sup> For the epitaphs of freeborn individuals which did not include the status indicators of neither the deceased nor the dedicators, see for reference: AE 1990, 64, dedicated to Munatius Paulinianus, *vir egregius*, by his wife Staltia Crescentilla and his son Munatius Paulinus; CIL VI, 31731, dedicated to Caelius Felicissimus, *vir egregius*, by his wife Luria Ianuaria, *clarissima femina*; 3529, dedicated to Cnaeus Pompeius Pompeianus, *eques equo publico, tribunus legionis III Italicae* and *praefectus cohortis Afrorum in Dacia*, by his sisters Pompeia Cleobula and Pompeia Cleopatra; 3834, dedicated to Maconiana Severiana by her father Marcus Sempronius Proculus, *vir clarissimus*, and her mother Praecilia Severiana, *clarissima femina*; 1512, dedicated to Lucius Sinicius Reginus, *praetor*; 1603, dedicated to Claudius Iulianus, *praefectus annonae*, by Tiberius Iulius Balbillus, *sacerdos Solis*; 1843, dedicated to Caius Iulius Iustus, *eques Romanus*, by his daughter Iulia Calpurnia Iusta; 2424, dedicated to Aurelius Probinus by his father Aurelius Fidelis, *miles cohortis I praetoriae*.

<sup>432</sup> For reference, see for example CIL VI, 15210, 15215, 15220, 15694 and 15872, dedicated by freed slaves to their patrons; 17516, 17602, 18803, 18897 and 20038, dedicated by freed slaves to their *colliberti*; 20056, 20787, 21585, 21919 and 23631 dedicated by patrons to their freed slaves. None of these epitaphs include status indicators for neither the deceased nor the dedicators.

<sup>433</sup> Taylor 1961, 122.

who were left behind. On the other hand, elements such as filiation, libertination and the voting tribe added little to the intimate narrative of the familial history that unfurled from the epitaphs placed within an enclosed funerary monument, and could be discarded without affecting the purpose served by an epitaph thus placed.

However, the choice of whether to include or omit status indicators was not always binary, as suggested by numerous funerary inscriptions in which these onomastic elements are recorded only for one – or some – of the different individuals mentioned. As I will show in what follows, a cursory examination of several thousand *tituli sepulcrales* documented at Rome highlights a certain degree of variety in the structure of these funerary inscriptions; nonetheless, a significant number of these texts seem to conform to two specific practices.

Thus, on one hand, an epitaph could record the filiation, libertination or voting tribe of the deceased while omitting those of the dedicators. The practice was employed for freeborn and freed individuals alike and, through the internal references that can sometimes be gleaned from the epigraphic documents in question, it is evident that the dedicators themselves could belong to both legal categories.<sup>434</sup> Considering the layout that these epitaphs tended to follow, it can be inferred that the men and women who set them up decided to incorporate the status indicators of the deceased to mark more clearly whom the monument was meant to commemorate, while omitting their own simply because those pieces of information were not deemed relevant for the purpose of the inscription. Unfortunately, it is not always possible to ascertain clearly on which material support the epitaphs in question were inscribed, and it is even more difficult to reconstruct the context in which they were displayed. Yet, some of these *tituli sepulcrales* were inscribed on stelae, funerary *arae*, altars or large *tabulae*, or included formulas that indicated the extension of the burial plot, all elements which suggest that the monument might have been visible to a broader public than those placed within an enclosed space.<sup>435</sup> Thus, as implied above, the location where the epitaph was to be erected might have played a role in the dedicators' decision of whether to include or omit an indication of the status of the deceased.

---

<sup>434</sup> For several examples, see Appendix III.

<sup>435</sup> AE 1959, 174; AE 2005, 213; AE 1990, 95; CIL VI, 1449; CIL VI, 1634; AE 1990, 96.

On the other hand, and embracing a seemingly opposite practice, other *tituli sepulcrales* from Rome recorded only the status indicators of the men and women who had built the funerary monument, while omitting those of the individuals who were already buried in the plot, and of those – still alive – who were allowed to be buried there after their death.<sup>436</sup> Again, the material support employed and the formulas adopted by these *tituli sepulcrales* suggest that they were often on display on the façade of a funerary monument, or that otherwise delimited a burial ground with more than one grave.<sup>437</sup> Considering the enhanced public nature of these inscriptions, it can be suggested that, aside from commemorating the person who commissioned the tomb, the inclusion of status indicators in his or her onomastics further served the purpose of identifying with precision the original owner of the burial plot (and monument). In particular, the identification of the main owner of a tomb had important legal implications for the upkeep and for the inheritance of the estate itself. Since the accurate identification of the other individuals buried within a tomb had little relevance for the practical aspects related to the management and transmission of the burial plot, the inclusion of their status indicators might have lost importance over time, until – eventually – some inscriptions only recorded the filiation or libertination of the main owners.

This point can be strengthened. Thus, an indication that the full onomastic record of the individual who had originally built a tomb could be used for reasons other than the commemoration of the deceased is offered by two inscriptions found alongside the Via Flaminia.<sup>438</sup> The two documents, nearly identical and both funerary in type, were commissioned by Aulus Sergius Heliodorus: they recounted to the passer-by how he had petitioned the *pontifices* to be allowed to reconstruct the ceiling of a funerary monument he owned, which had collapsed due to old age.<sup>439</sup> The inscriptions

---

<sup>436</sup> See, for reference: CIL VI, 9864, set up by Decimus Caecilius **D.I.** Diadumenus; 19882, set up by Quintus Iulius **Q.f. Sergia** Callinicus; 27618, set up by Trebonia **L.f.** Nape; 13733, set up by C. Caecilius **C.I.** Felix; 19973, set up by Tiberius Iulius **Ti.f. Palatina**; 15843, set up by Clodia **C.f.** Sige; 22135, set up by Marcia **L.f.** Euhodia. None of these inscriptions include the status indicators of the men and women who were already buried (or were allowed to be buried) within the plot, not even in those instances when they were likely freeborn.

<sup>437</sup> For example: CIL VI, 19973 and 15843, both indicating the extension of the burial plot; 19882, which stresses out that the monument was not meant to follow extraneous heirs; 9864 and 18144, which listed those allowed to be buried within the plot using variations of the formula "*sibi et suis, e libertis libertabusque posterisque eorum*"; 15473, stating that the burial spot was given by the patron of the mother of the woman who commissioned the inscription.

<sup>438</sup> AE 1999, 92; CIL VI, 37767.

<sup>439</sup> The formula that Heliodorus employed to refer to the ownership of the burial plot, "*in monumento iuris sui*", and the fact that he had to petition the *pontifices* to renovate the tomb,

indicated the location of the tomb alongside the Via Flaminia, and to pinpoint it more accurately, they offered information on the monuments that were in close proximity: the tombs of “Heduleia C.f. Aphrodisia”, of “Hermes Aug. lib. tab(ularius)”, and of Trebia Albina. The last two lines stressed that Heliodorus had built the monument for himself and for his wife Ulpia Heliade, and laid down further instructions regarding who was allowed to be buried within the tomb, and what punishment awaited those who desecrated the monument. The way in which the filiation of Aphrodisia (C.f.), the libertination of Hermes (Aug. lib.), and his occupation as *tabularius*, all were incorporated into Heliodorus’ inscription clearly indicates that he was quoting their epitaphs directly, and that he used those pieces of information for practical and possibly legal purposes. Since Trebia Albina’s name is devoid of any status indicator in Heliodorus’ inscriptions, it is very likely that her *titulus sepulcralis* too did not reference those elements; however, it is not possible to ascertain in any way whether her monument was earlier or later than those of Aphrodisia and Hermes. Interestingly, both Heliodorus and his wife appear as *incerti* in the two inscriptions. The two documents are dated to between the 2<sup>nd</sup> and the 3<sup>rd</sup> century AD: and when considering the different pieces of evidence that each epitaph provided – even those of Hermes, Aphrodisia and Albina, that are now lost – it is tempting to suggest that they might reflect the change in attitudes towards the use of status indicators in funerary epigraphy through the centuries, with the earlier epitaphs including filiation and libertination, and the later ones omitting those elements.

Despite Heliodorus’ choice not to include any indication of status in his *tituli sepulcrales*, a study of the inscriptions that record the extension of burial plots documented in Picenum, Samnium and Umbria can shed further light on the proportion of epigraphic evidence that mentioned *incerti* only, and hence on the broader use of status indicators. The three *regiones* have been selected both for their proximity to *Latium et Campania* and to each other, and because they offer a sample that, while still sizeable, is easier to assess than the one documented in Rome. The 441 inscriptions in question employed the formula “*in fronte pedes, in agro pedes*” or one of its variations, and therefore were all on display outside of the tomb or directly inscribed on the monument itself. Once the documents that did not include any name

---

both suggest that he had either inherited the burial plot from someone who was not directly related to him, or that he had purchased it outright. On the *leges* regarding tombs and burials, see De Visscher 1963.



or were too fragmentary to allow us an accurate assessment of the status indicators of the deceased are discarded, only **15 per cent** of the “*in fronte pedes, in agro pedes*” inscriptions from Picenum recorded *incerti* only; the percentage rises to **16 per cent** in Umbria and to **18 per cent** in Samnium.<sup>440</sup> The numbers are significantly lower than those emerging from a study of the epitaphs proper as carried out by Taylor. This important discrepancy suggests that, when the omission of status indicators from the epitaphs placed *within* a funerary monument or its enclosure had already become common practice, the very same onomastic elements were still partially incorporated in those epigraphic documents on display outside of the tomb, at least for some time. Again, these inscriptions were visible to the public and possessed an additional element of practical and legal utility, as opposed to many epitaphs which, by then, had assumed an eminently private nature. Overall, the different usages of status indicators shown in the various typologies of funerary monuments seem to corroborate the picture offered by the other categories of epigraphic evidence so far examined, and especially votive, honorific and *cursus* inscriptions.

### III Conclusions

Comparing epigraphic documents commissioned for different purposes and by individuals of the most diverse legal conditions and social standing, the analysis conducted in this chapter has demonstrated that, over time, status indicators gradually lost their importance, and began to be omitted from inscriptions with increasing frequency. These epigraphic trends were embraced by all strata of Roman society, and started to take hold already in the 1<sup>st</sup> century AD, especially in those inscriptions that were perceived as having a more private nature, such as epitaphs, votive inscriptions and even some *tituli honorarii* that were nonetheless on public display, like those inscribed on some statue bases. On the other hand, in more official documents such as the lists enumerating the soldiers serving in the Praetorian Guard

---

<sup>440</sup> The percentages are rounded up. Since the aim of the study is **not** an assessment of the proportion of the different legal statuses among the individuals documented in these inscriptions, but rather the identification of the percentage of inscriptions that did not employ any status indicator, **the percentages refer to the number of inscriptions that record *incerti* only, and not to overall percentages of *incerti* attested in the inscriptions.** It should be noted that the same inscription can record individuals of different statuses (for example CIL IX, 5105 – Publius Fadius P.f. Velina Gratus and his wife Vettia Severa, an *incerta*), but each inscription is classified according to the status of the first identifiable name that records any indicator. For a detailed breakdown of the distribution of different status indicators in each of the three *regiones*, see Appendix IV.

and in the *cohortes urbanae*,<sup>441</sup> or in certain *cursus* inscriptions, the inclusion of status indicators continued for longer. Yet, by the second half of the 3<sup>rd</sup> century AD, status indicators had become extremely uncommon even in these categories of inscriptions. The practice was not confined to monuments and epitaphs: it also spread to private documents and contracts, where the use of status indicators had become sporadic already in the first decades of the 1<sup>st</sup> Century AD, as suggested by the vast archive of the Sulpicii,<sup>442</sup> and by other dossiers from Herculaneum and Pompeii.<sup>443</sup> In a similar manner, status indicators disappeared relatively early also from the signature of those bearing witness to private contracts,<sup>444</sup> and also to official documents such as registrations of birth and military diplomas.<sup>445</sup> Evidently, neither the information conveyed by filiation or libertination nor the record of the voting tribe of the witnesses were deemed relevant anymore for the purpose of those particular documents. Thus, the omission of status indicators had become common in almost every category of inscribed documents already by the second half of 2<sup>nd</sup> century AD,<sup>446</sup> which is also the timeframe when the Latin epigraphic production reached its peak, and when Greek *cognomina* started to become *regularly* adopted even by men and women of free birth<sup>447</sup> In this sense, the so-called ‘Album of Canusium’ offers particularly emblematic documentation of these epigraphic practices, as it represents the culmination of the trends discussed on the previous pages. The document, a bronze plaque, was inscribed in AD 223 with the names of the *decuriones* and of the *patroni* of a town believed to be ancient Canusium.<sup>448</sup> However, despite the fact that the album was on public display, and that several of the *patroni* were men of high standing belonging to the senatorial class, all the 164 notables commemorated on the bronze plaque appear to the modern eye as *incerti*: of each of them, the inscription only records the *tria nomina*, while filiation and the voting tribe are omitted.<sup>449</sup> Equally

---

<sup>441</sup> For reference, see CIL VI, 2384; 2395.

<sup>442</sup> Bove 1984; Camodeca 1992 and 1999.

<sup>443</sup> Camodeca 2009.

<sup>444</sup> For reference, see once more the documents collected in the archive of the Sulpicii: TPSulp 102.

<sup>445</sup> For example, see the signature of the seven witnesses in the declaration of birth of Herennia Gemella, *P.Mich* III, 166 (AD 128). See also two military diplomas, CIL XVI, 7 (dated AD 68) and 15 (dated AD 71): some of the signatures in the first diploma include filiation and the record of the voting tribe of the witness, while both elements are absent from all the signatures in the second one.

<sup>446</sup> MacMullen 1982.

<sup>447</sup> Solin 2009, 81.

<sup>448</sup> CIL IX, 338.

<sup>449</sup> On the ‘Album of Canusium’ see Salway 2000; Garnsey 1998; Jongman 1988; Jacques 1984.

importantly, the onomastics of several of these notables incorporated either an imperial *nomen*, or a Greek or a Latin 'servile' *cognomen*: had scholars been unaware of their condition, at least 58 of these individuals – more than a third – would have been under the suspicion of belonging to families of servile extraction, according to the criteria of classification postulated by Taylor.

Much like the 'Album of Canusium', most of the case studies examined in the present chapter deal with magistrates, military personnel, priests and priestesses, or with men and women belonging to equestrian and senatorial families: their ranks and titles allow for the reconstruction of their legal condition even in the absence of traditional status indicators. But the vast majority of the men and women living within the borders of the Empire did not hold any title to record. Whenever they did not include their status indicators in their inscriptions they only left their names for us to read. Like Bernard of Cluny, '*nomina nuda tenemus*' –<sup>450</sup> we possess only names.

Individuals of undisclosed legal status make epigraphic evidence much more difficult to assess and use, particularly for studies related to Roman social history. It might be tempting to ascribe in bulk the *incerti* to the servile strata of Roman society, especially in the presence of a Greek *cognomen* or an imperial *nomen*; but this would (and indeed has) inevitably result(ed) in a grave oversimplification, as I hope the present chapter has shown. Rather, the complexity of the topic warrants a different approach: men and women who recorded their names without status indicators should be considered as freed slaves **only** in the presence of clues more stringent than a Greek *cognomen*. Ideally, the legal condition of every *incertus* and *incerta* should be assessed on a case by case basis, also by taking into account the social composition, the institutions of the civic community to which they belonged, and the material aspects of the inscribed monument. Even then, it will not always be possible to shed light on the real status of most *incerti*; but embracing the uncertainty might be a necessary step in order to understand more fully the demographics of those who engaged with Latin epigraphy – i.e. a significant bulk of the population of the Roman Empire.

As we have seen, the *perceived* value attached to status indicators by each individual who commissioned an inscription played a central role in deciding whether to include

---

<sup>450</sup> *De contemptu mundi*, 1.952

or omit those elements from a monument. Yet, several epigraphic documents and papyri show patterns in the recording of statuses that cannot have been the result of personal choice. The defining features of these documents are: 1) the total or partial omission of status indicators in the onomastic record of only some of the individuals mentioned; or 2) the use of only one of the two indicators available to the freeborn. For example, an inscription might mention the voting tribe of a man – the hallmark of Roman citizenship – while omitting his filiation.<sup>451</sup> In more private inscriptions, such as epitaphs and certain *tituli honorarii*, this peculiar pattern of omission could still be attributed to the choice made by those who commissioned the monument, as shown on the previous pages. However, most of the documents in question had a marked public nature, and therefore were likely subject to a certain level of scrutiny and peer control.<sup>452</sup> Some others, such as military *diplomata* of honourable discharge, were official documents produced by the imperial administration;<sup>453</sup> others were of a distinctive legal nature, like the registrations of birth attested in Egypt.<sup>454</sup>

The very existence of these documents calls for a different point of view on the issue of *incerti* in the epigraphic evidence, and for additional considerations on the tacit rules that governed Latin epigraphy. As a system of expression, Latin epigraphy allowed for a certain degree of innovation, which peaked when the medium crossed the original boundaries of Latium to spread gradually to the rest of ancient Italy first, and then to the provinces. As a medium, Latin epigraphy was influenced by the communities that adopted it, which often led to an elaboration of its complex system of formulas and codes to suit local needs for expression better, sometimes even by

---

<sup>451</sup> For reference, see CIL II, 1945, which will be discussed on the following pages.

<sup>452</sup> This category includes especially *tituli honorarii* and inscriptions commissioned by the magistrates or the local assembly of civic communities of Latin and Roman right. Several case studies will be presented in Chapter IV.

<sup>453</sup> It is particularly significant that the onomastic record of some of the prefects of the auxiliary *cohortes* and *alae* mentioned in several military *diplomata* lack both filiation and the indication of the voting tribe, while the same status indicators are given for other commanders. The discrepancy can be appreciated even in documents that were issued under the same imperial administration. For example, compare two officers who both served under Domitian: M(arcus) Caecilius Septemher, prefect of the *cohors Musulamiorum* (CIL XVI, 35) and Marcus Gennius M(arcus) f(ilius) Cam(ilia) Carfinianus, prefect of the *cohors I Aquitanorum* (CIL XVI, 28).

<sup>454</sup> Some of the registrations of birth of Roman citizens from Egypt show interesting discrepancies in the use of status indicators, and filiation in particular. For example, in *P.Mich.* III, 166, filiation is given in the onomastic record of the mother of the newborn, Diogenis M. fil. (pag. III, l. 6), but is absent in that of the father, C. Herennius Geminianus (pag III, l. 5). Compare also with *P.Mich.* III, 167, in which filiation is given for both parents.

incorporating epigraphical traditions that predated the Roman presence.<sup>455</sup> This constant elaboration gave rise to an impressive number of local epigraphic habits, and to chronological and geographical variations in the use of formulas well known to modern scholarship, even if the schematisation offered by most textbooks on the discipline is often more theoretical than real.<sup>456</sup> Moreover, as a natural consequence of the dependence of Latin epigraphy on the language from which it arose, the resulting epigraphic production was also influenced by the diachronic changes in the Latin language itself, and by the synchronic variations employed by the different strata of the population.<sup>457</sup> Yet, despite its apparent malleability, at its core Latin epigraphy remained a conservative medium whose key components had started to coalesce already at the beginning of the 5<sup>th</sup> century BC, and had reached a definitive form between the 3<sup>rd</sup> and 2<sup>nd</sup> century BC.<sup>458</sup> Over time, minor changes were adopted and additional abbreviations introduced, especially for the titles and posts created throughout the Principate. But while the key elements of imperial Latin epigraphy remained largely those that had emerged under the Republic, the society that now engaged with the medium had changed radically from the one which had codified it, and which Latin epigraphy was most suited to describe and narrate. In particular, the late Republic and early Principate had seen the introduction of a series of new legal statuses – Junian Latinity, the condition of *dediticius* and Latin citizenship – that likely became widespread over time; as a result, Latin epigraphy might have struggled to convey correctly the complexity of imperial Roman society.

---

<sup>455</sup> A good example of adaptation of pre-Latin epigraphic practices in Latin inscriptions is offered by the study of bilingual Latin/Neo-punic documents. For reference, see Cenerini 2013.

<sup>456</sup> For example, the majority of specialists in Latin epigraphy have reached a consensus in reconstructing the chronology of the variations in the opening formulas of funerary inscriptions. Since formulas changed through the centuries, they are often considered a useful element for dating epitaphs. However, it should be noted that this chronological reconstruction only offers a theoretical tool, since most formulas were adopted in different communities at different times, and certain others were confined to specific regions of the empire. For example, the late formula 'D(is) M(anibus) S(acrum)' is only seldom attested at Ostia, where the formula 'D(is) M(anibus)', usually considered to be earlier, kept on being used long after the former had become the most common one in other communities, and especially in the African provinces. On funerary formulas in Latin epigraphy, see Calabi Limentani 1968; Buonopane 2009; and Tantimonaco 2017, who focuses on the formulas used in the Regio X.

<sup>457</sup> Kruschwitz 2015.

<sup>458</sup> The so-called "Lapis Satricanus" (CIL I, 2832a), dated between the 6<sup>th</sup> and the 5<sup>th</sup> century BC, already shows many of the characteristics of "classical" Latin epigraphy; The first line of the *elogium* of Lucius Cornelius Scipio Barbatus (CIL VI, 1284), consul in 298 BC, which was thought by Warmington (1940) to be the original epitaph, is one of the very first examples of filiation in Latin epigraphy. For the linguistic aspects of archaic Latin epigraphy, see Clackson 2011.

By comparing legal sources and epigraphic evidence, the first chapter of this thesis has already put forward the hypothesis that Junian Latins could not use libtination as a consequence of the specific legal meaning attached to the term *libertus*, turning into our *incerti* in their epigraphic documentation. Similarly, it is possible that other status indicators, and in particular filiation, carried an equally well-defined meaning, which might have prevented some legal categories from employing them in epigraphy altogether. Therefore, to understand more fully the complexity of the challenge offered by the rise in the number of *incerti* in imperial inscriptions, the following chapter will attempt to piece together the meaning that status indicators might have conventionally – i.e. originally – carried in Latin epigraphy, in order to highlight possible limitations in their use. We begin with the knotty issue of filiation.



## **CHAPTER IV**

### Beyond uncertainty? The meaning and use of filiation in Latin epigraphy

#### I Introduction

In the previous chapter, I have discussed how *incerti* who were commemorated in Latin inscriptions – individuals of undisclosed legal status – are often considered by scholars to be freed slaves who chose to gloss over their unfavourable condition, following the hypothesis put forward by Taylor in one of her most seminal contributions to the debate.<sup>459</sup> However, by comparing different types of epigraphic documents, I have shown that the omission of status indicators in Latin inscriptions was not a practice exclusive to freed individuals, but rather that it had been gradually embraced by all strata of Roman society, including men and women belonging to the senatorial and the equestrian classes. Over time, against the background of wider changes in the Roman onomastic system,<sup>460</sup> filiation by *praenomen* and mention of voting tribe seem to have lost their relevance, in some categories of documents earlier than in others. But while the evidence suggests that the omission of status indicators became progressively more common and generalised, the decision whether to include or to omit certain indicators in inscriptions must have often been the result of the personal choice of the commissioner of the monument (and of the text).<sup>461</sup> The role played by personal choice is illustrated well by the case studies offered by those inscriptions commissioned by the same individual, which nonetheless show a marked difference in the recording of status indicators, with certain elements being included in some texts, while being omitted in other inscribed documents.<sup>462</sup> Yet, these trends alone cannot explain the rise in number of *incerti*, since there exist several documents of a marked public or official nature that show an inconsistent internal use of status indicators. Since personal choice could not have played a part in the composition of such inscriptions, these documents rather suggest that some of the individuals

---

<sup>459</sup> Taylor 1961.

<sup>460</sup> Salway 1994.

<sup>461</sup> A similar stress on personal choice has recently been put by Zair on spelling choices in Oscan written in the Greek alphabet: see Zair 2015. While chronologically and thematically removed from the present topic, this example serves to document the broader context and remit of personal choice in epigraphic documents.

<sup>462</sup> For an example of this practice, see the inscriptions commissioned by Lucretius Valens from Pompeii, which have been discussed in Chapter III. In particular, for the funerary *columella* of Valens, see: AE 1994, 397. For the inscriptions advertising the gladiatorial games he had sponsored: AE 1915, 61a; CIL IV, 1185; 3884; 7992; 7995.



commemorated in those inscriptions could not use specific indicators, while other men and women could. The idea that certain categories of individuals might not have been able to adopt specific onomastic elements has been already put forward by Weaver in his monograph on the *Familia Caesaris*, which offers – to date – the most articulated criticism to Taylor’s theories on the *incerti*.<sup>463</sup> In the introductory part of the chapter devoted to the study of status indication, Weaver wrote that ‘(a)bsence of both filiation and the freedman status indication for a person with the *tria nomina* can indicate [...] an enfranchised *peregrinus* who took the *praenomen* and *nomen* of his benefactor but who, not being subject to his *patria potestas*, has no equivalent for filiation [...]’.<sup>464</sup> As will become apparent on the following pages, the thesis that some newly enfranchised individuals might not have been able to use filiation in inscriptions should not be disregarded entirely; nonetheless Weaver’s suggestion that filiation was in any way related to *patria potestas* does not rest on a solid legal foundation – which is where we need to begin.

In Roman law, *patria potestas* was the legal authority that the *pater* enjoyed over the members of his *familia*: his sons and their descendants, his unmarried daughters and those married *sine manu*, as well as those women who entered the *familia* through a marriage *cum manu*.<sup>465</sup> Although a man could lose – or willingly renounce – his *patria potestas* over the members of his *familia* in several ways, in Republican times and in the early centuries of the Empire most individuals tended to stay in the *potestas* of their father until his death. With the death of their father, most men and women usually became *sui iuris*; and males could finally exercise their own *patria potestas* over their descendants. In practice, the intricacies of Roman law meant that men and women alike could find themselves, at different points of their life, under the *potestas* of different individuals; for example, a grandson could be born under the *potestas* of his grandfather and later, after his grandfather’s death, fall under the *potestas* of his own father, who was now *sui iuris* himself. If filiation was linked in any way to *potestas* – as suggested by Weaver – the resulting epigraphic practices would have been very different from the ones attested in the surviving documents. In particular, individuals who were *sui iuris*, either as a consequence of active legal emancipation or because of the death of their fathers, would not have been able to use filiation. Those born to

---

<sup>463</sup> Weaver 1972.

<sup>464</sup> Weaver 1972, 43.

<sup>465</sup> For an overview of *patria potestas* in the Roman world, see Saller 1997.

a father who himself was under the *potestas* of another individual would have had to use a filiation modelled on the *praenomen* of the man under whose *potestas* they were, rather than on the *praenomen* of their father. Adopted individuals would have had to change their filiation so as to reflect the change in *potestas*, and so did women married *cum manu*. With the exception of some instances of adoption, none of these practices are documented.

It is known through Gaius and the *Epitome* of Ulpian that the *flamen Dialis* and the *Vestales* became *sui iuris* once they took on the respective priesthoods:<sup>466</sup> yet, it is evident that many continued to use filiation, despite their newly acquired legal autonomy.<sup>467</sup> Similarly, individuals who were clearly *sui iuris* as a result of the death of their father still retained their filiation even in those inscriptions set up after the death of their parent.<sup>468</sup> More generally, the form of filiation employed in Latin epigraphy was always and invariably modelled on the *praenomen* of one's father, even for those Roman citizens who likely were born under the *potestas* of a man other than their parent, for example their paternal grandfather. It is true that those who were adopted could occasionally change their filiation, especially under the Republic and in the early Empire, but the practice seems to be aimed at highlighting the new familial connections of the individual, rather than reflecting a change in *potestas*. For example, right after his posthumous adoption, the then Gaius Octavius presumably changed his name into Gaius Iulius C.f. Caesar, despite being already *sui iuris*; his filiation changed again after the deification of his adoptive father, turning into the *divi f.* that would be used for the rest of his life, and posthumously.<sup>469</sup> On the contrary, other adopted individuals kept recording their original filiation, like Pliny the Younger, who was born Gaius Caecilius L.f. and retained his filiation even once he expanded his

---

<sup>466</sup> Gaius 3.114; *Tit. Ulp.* 10.5

<sup>467</sup> There are not many *flamines Dialis* attested in the epigraphic evidence; however, for reference see the inscription of Sp(urius) Turannius L(uci) f(ilius) Proculus Gellianus, CIL X, 797; and XIV, 4176; More importantly the *fasti Capitolini* – a highly official inscription – recording the name of Ser(vius) Cornelius Cn(aei) f(ilius) Cn(aei) n(epos) Lentul(us) Malug(inensis), *consul suffectus* in 10 BC; at the time, he was already *flamen Dialis* when serving as. For the Vestals, see CIL VI, 3411; 2135; 32416; 2127; 32409; and AE 1931, 78.

<sup>468</sup> For example, see the inscription dedicated by the people of Auximum to Pompey, in occasion of his third consulship, in 52 BC: CIL IX, 5837. Pompey is indicated as 'Cn. f.', even if – by then – he had long been *sui iuris*: his father had died in 87 BC.

<sup>469</sup> According to Suet. *Aug.* 42, Augustus took the name of Gaius (Iulius) Caesar after his adoption; similarly, App. *BC*, 3.11, states that Augustus adopted Caesar's name and patronymic. However, there is no surviving epigraphic evidence documenting the initial stages of Augustus' evolving onomastics: the earliest inscriptions dedicated to him (dated to the triumviral years) indicate his name as '*Imperator Caesar divi f.*', which Augustus took on at some point between 41 and 31 BC (Syme 1958, 172-88); see AE 1966, 73 for reference.

nomenclature into Gaius Plinius L.f. Caecilius Secundus, after his adoption by his maternal uncle.<sup>470</sup>

The examples so far discussed indicate clearly that there was no apparent relation between *patria potestas* and filiation. Yet, almost paradoxically, a first suggestion of the meaning that this onomastic element might have conventionally carried in Latin epigraphy comes from the very specific kind of filiation used by individuals who, by definition, had never been under someone's *patria potestas*: illegitimate sons and daughters born to a Roman mother.<sup>471</sup>

## II Filiation (and other status indicators) in Latin inscriptions

Occasionally, individuals who lacked a legally recognised father could adopt an abbreviated formula – '*Sp. f.*' – that, in their full onomastic record, took the place of filiation, of which it might have been a derivative. Conventionally, the abbreviation is solved in *Spurii (patris) filius* or *filia*, an interpretation which, given the position the formula occupied in personal nomenclature, was likely adopted by most readers also in Roman times, even if Rawson, commenting on a passage of the *Institutes* of Gaius, suggested that the abbreviation might have stood originally for *spurius filius* or *spuria filia*.<sup>472</sup> However, not every individual who employed the formula '*Sp. f.*' was necessarily illegitimate: the list of traditional Roman *praenomina* included the respectable Spurius, which, in Latin epigraphy, was occasionally abbreviated in *Sp.*; as a consequence, the filiation of the sons and daughters of a father named Spurius could have been recorded as '*Sp. f.*'<sup>473</sup> Yet, as shown by Rawson and Salomies, the *praenomen* Spurius was uncommon already under the late Republic, and it is attested only in a handful of inscriptions dated to the imperial times;<sup>474</sup> as a result, it is likely that the majority of the individuals who employed the formula '*Sp. f.*' actually lacked a legally recognised father.<sup>475</sup>

---

<sup>470</sup> CIL V, 5262 and 5263. On Roman adoptive nomenclature, see Salomies 1992.

<sup>471</sup> Rawson 1989, 10.

<sup>472</sup> Rawson 1989, 29, commenting on Gaius 1.64, which informs the reader that illegitimate children '[...] *spurii filii appellari* [...]'.

<sup>473</sup> See, however, the milestone erected by the Spurius Postumius Albinus, consul in 148 BC, who abbreviated his (and his father's and grandfather's) *praenomen* in S(purius): CIL V, 8045.

<sup>474</sup> Salomies 1987, 50-55; For example, see the inscriptions set up Sp(urius) Turannius L(uci) f(ilius) Proculus Gellianus, which have already been discussed: CIL X, 797; and XIV, 4176.

<sup>475</sup> '*Spuri filii*', as sons and daughters born to a couple who could not contract a lawful union, could theoretically belong to any social class, i.e. they could be the children of a Roman citizen of equestrian rank and a peregrine woman who lacked the *ius connubii*. However, in this study

Rawson, who considered filiation '[...] an important mark of free birth [...]',<sup>476</sup> suggested that not all illegitimate individuals would have used the formula consistently, and that it must have been employed '[...] only when it was particularly important to stress freeborn status.'<sup>477</sup> However, an examination of the epigraphic evidence reveals that the formula '*Sp. f.*' was not only used in legal documents, such as declarations of birth and dossiers, or in more official inscriptions;<sup>478</sup> rather, it was employed also on inscribed monuments that, strictly speaking, did not require a compulsory indication of status, such as epitaphs.<sup>479</sup> In fact, the patterns of usage of '*Sp. f.*' mirror those of filiation, which the formula effectively replaced in the full onomastic record of illegitimate individuals. Thus, it is clear that, rather than being obliged to indicate their condition, many individuals willingly incorporated '*Sp. f.*' in their inscriptions. This should not come as a surprise: while Rawson considered the usage of the formula to be much more guarded than what is suggested by the evidence, she otherwise convincingly demonstrated that Roman society did not feature any form of moral stigma towards individuals of illegitimate birth, a picture further reinforced by their relatively emancipated use of '*Spurii* filiation'.

---

– in order to focus only on the evidence belonging to true illegitimate individuals, and not the lawful sons and daughters of a man whose *praenomen* was *Spurius* – I will only take into account those inscriptions involving men and women coming from a servile background, whose parents would have lacked *conubium* at the moment of their birth, or who were commemorated alongside a mother with whom they shared the *nomen*.

<sup>476</sup> Rawson 1989, 29.

<sup>477</sup> Rawson 1989, 30.

<sup>478</sup> For reference, see *P.Mich.* 3.169 (AD 145), a declaration of birth of two illegitimate twins; also, the tablets of Petronia *Sp.f. Iusta* in Arangio-Ruiz 1959.

<sup>479</sup> For example, see the funerary inscriptions of: Aemilia *Sp.f. Pia*, dedicated by her mother Aemilia *Sp. Veneria* and her contubernalis Tiberius Claudius Ialyssus, who had probably been a slave at Pia's birth, CIL VI, 3431; Caecilia *Sp.f. Saturnina*, dedicated by her mother Caecilia Primigenia and her father Ursus, a *uicarius* of an imperial slave, CIL VI, 13850; Lucilia *Sp.f. Secunda*, dedicated by his son Marcus *Sp.f. Maximus*, AE 1979, 227; Sextus Afranius Lautus *Sp.f.*, dedicated by his mother Afrania Prote and his father Herma, likely a slave or a peregrine, CIL VI, 11206; Marcus Cocceius *Sp.f. Augustalis*, dedicated by his mother Cocceia Augusti lib. Plutina, CIL VI, 15889; Decimus Publicius Antiochus and Publicia Musa, dedicated by their daughter Publicia *Sp.f. Albana*, CIL VI, 25122; Cornelius *Sp.f. Hispanus* and Cornelius *Sp.f. Marcellus*, dedicated by Lucius Valerius L.f. Rufinus, who was likely their father, and in *contubernium* with Cornelia *Sp.f. Homulla*, likely their mother, IRC IV, 221; Caius Volusius *Sp.f. Severus*, dedicated by his mother Volusia Herois, CIL VI, 29540; Titus Camurenus *Sp.f. Celer*, dedicated by his father Titus Camurenus Eros and his mother Camurena Tyche, a liberta, CIL VI, 14310. Additionally, there are several ex-votos dedicated by '*Spurii filii*' who are under the strong suspicion of being men and women of illegitimate birth, but whose status is difficult to prove, because the inscriptions do not shed light on their parentage: for example, see CIL X, 3790; ZPE 70, 210; CIL XIV, 3534.

While the formula '*Sp. f.*' might have been considered a simple indication of free birth, the epigraphic evidence itself actually suggests that the meaning conveyed by that onomastic element was instead more layered. As citizens, the illegitimate sons of a Roman mother were enrolled in a voting tribe,<sup>480</sup> and the inclusion of their tribe in their onomastic record would have been a testimony not only of their free birth,<sup>481</sup> but also of their Roman franchise. Even assuming that the formula '*Sp. f.*' did not carry any moral stigma, if its main purpose was solely to indicate free birth, then it is reasonable to assume that, in order to stress further their freeborn condition, most individuals would have wanted to include a record of their voting tribe alongside their '*Spurii* filiation'.<sup>482</sup> Yet, the tribe is only sporadically recorded in the inscriptions set up by or for '*Spurii filii*', and the patterns of distribution are not dissimilar to the ones attested in the inscriptions commemorating non-illegitimate freeborn men, which further foregrounds the analogies between the formula '*Sp. f.*' and traditional filiation.<sup>483</sup> But, while the latter played an additional role as patronymic by indicating (to a certain degree) the name of one's father, '*Spurii* filiation' evidently lacked such a connotation,

---

<sup>480</sup> The tribe most frequently associated with men of illegitimate birth is the Collina, but '*Spurii filii*' can be found even in other tribes as well. For reference, see Ferraro and Gorla 2010, 344-5. See also n. 483 below.

<sup>481</sup> Mommsen argued – convincingly – that freedmen were conventionally prevented from including the record of their voting tribe in their onomastics: Mommsen 1887/8, III, 440-2. Mommsen's observation stands true, even if there are several documented instances of freedmen breaking this convention. For a more thorough discussion of the topic, see the conclusions of the present chapter.

<sup>482</sup> Both '*Spurii* filiation' and the record of the voting tribe are given for several individuals commemorated in the so-called 'Album and Lex of the Familia Silvani' (AE 1929, 161 + AE 2002 397a-d), who are believed by scholarship to be of illegitimate birth, since they were all enrolled in the Collina, a tribe frequently associated with illegitimate men, while the remaining freeborn individuals who used 'regular' filiation were otherwise enrolled in the Quirina. For a discussion of the *album*, see Buonocore and Diliberto 2002/3; Evans 1939. For an interesting example of the omission of the formula '*Sp. f.*' in the onomastic record of an individual who was likely of illegitimate birth, see the epitaph of Quintus Lucretius Pal(atina) Proculus: CIL I, 3283. The inscription indicated as dedicators of the epitaph his mother Lucretia Dydime and two other individuals, Marcus Antonius Epaphroditus and Tiberius Claudius Onesimus Aug. lib. The absence of a reference to the father of Proculus, the lack of filiation in his onomastic record and the identity of *nomen* between him and his mother Dydime, all seem to suggest that Proculus was of illegitimate birth. If that is true, it is significant that, to indicate Proculus' free birth (and Roman franchise), his mother Dydime chose to include a record of his voting tribe, but not his '*Spurii* filiation'. However, as demonstrated in the previous pages, the use of status indicators in the onomastic of Proculus departs from the use attested in the inscriptions of many individuals of illegitimate birth, who routinely included the formula '*Sp. f.*' in their names, while omitting their tribal affiliation.

<sup>483</sup> For a few examples of '*Spurii filii*' whose voting tribe was recorded in their inscriptions, see: Tiberius Claudius Sp.f. Quirina Dio, CIL VI, 15007; Publius Petronius Sp.f. Palatina Romanus, CIL VI, 24025; Marcus Herennius Sp.f. Esquilina Fatalis, CIL VI, 2310; Publius Curtius Sp.f. Collina Maximus, CIL VI, 16663; Caius Iulius Sp.f. Collina Phalleus, CIL VI, 20171; Quintus Volusius Sp.f. Lemonia Anthus, CIL XIV, 01808.

and instead shows interesting parallels with the peculiar status indicator employed by those slaves freed by a woman. However, in order to understand the parallels better, some preliminary considerations on the status indicators adopted by manumitted slaves in Latin epigraphy are in order.

Traditionally, libertination mirrored filiation to a degree, as the formula included the *praenomen* of the former slave's master. The superficial affinity between the two epigraphic formulas is undoubtedly one of the reasons why a small part of the scholarship, following a selection of literary sources, still holds – incorrectly – that the dynamics between a patron and a freed slave were, to some extent, assimilated to the relationship between a father and his offspring.<sup>484</sup> Not surprisingly, several influential scholars still refer to libertination as 'pseudo-filiation'.<sup>485</sup> However, while a freed slave was expected to show *obsequium* towards his or her former owner, and while patrons were entitled to all or part of the estate of their slaves unless they had a certain number of lawful children, no legal source sanctions the existence of a recognised pseudo-filial relationship between patron and former slave.<sup>486</sup> Moreover, if a patron was to take on a role akin to that of a paternal figure for the manumitted slave, the legal limitations imposed on females would have resulted in the slaves freed by a woman enjoying a more loose condition than those freed by a man, which cannot have been the case. As citizens, Roman women were allowed to own and free slaves, and it was not infrequent for female slave owners to manumit their *serui* and *seruae*, to the point that a specific form of libertination had to be adopted early on. Since female citizens lacked a legally recognised *praenomen*, the solution found to overcome this limitation was to fashion a particular formula, which relied on different symbols such as 'J' instead of the *praenomen*, conventionally resolved as *mulieris*.<sup>487</sup> Having already discarded the idea that Roman law recognised a pseudo-filial relationship between patron and freed slave, the existence of '*mulieris* libertination' is, in my opinion, a clear indication that libertination in general should not be considered

---

<sup>484</sup> For example, Gardner 1993, 19-20. Also, Mouritsen 2011, who – however – is aware that the pseudo-filial relationship between patron and *libertus* was not sanctioned by law. For a few examples of literary sources that describe the *ideal* relationship between patron and *libertus* as that between father and son, see Cic. *Planc.* 72; Publilius Syrus *Sententiae* 450.

<sup>485</sup> For example, Mouritsen 2011; Campbell 2015.

<sup>486</sup> On the duties of freed individuals towards their masters, see Treggiari 1969, 68-79. Also, Bruun 2015, 608.

<sup>487</sup> The symbol 'J' stands for the female *praenomen* Gaia. Roman female children were given a *praenomen* on their *dies lustricius*, the 8<sup>th</sup> day after their birth; however, although women possessed a *praenomen*, this element was usually omitted from their onomastic record. For a discussion of Roman female *praenomina*, see Kajava 1994.

a substitute for filiation for an individual who, being a former slave, lacked a legal father in the eyes of society and the law.<sup>488</sup> After all, a woman could never fill a legal role akin to that of a father.

Thus, despite the superficial affinity between the two epigraphic formulas, libertination must have served a purpose distinct from that of filiation, if somewhat similar. In particular, the fact that a solution had to be fashioned so that slaves manumitted by a woman could still use a fully-fledged libertination, even if the resulting formula did not provide any information whatsoever on who their former owner was, suggests that identifying the patron of a freed slave was not the primary purpose of libertination. Therefore, it can be inferred that the *main* raison d'être of libertination was to state the new condition of its bearer, while *at the same time* stressing that, as a slave formally manumitted by a Roman citizen, he or she was a citizen in their own right, and a legitimate member of the community. The impression is further reinforced by the existence of additional libertination formulas that were reserved specifically for manumitted *serui publici*, which, much like *mulieris* libertination, must have served the purpose of indicating that, having been formally manumitted by a Roman community, former public slaves were lawfully free and in possession of the Roman franchise.<sup>489</sup> Comparing Latin epigraphy with the other epigraphic cultures attested in pre-Roman Italy, it is evident that the only other mediums which employed a specific terminology to indicate the condition of a freed slave were Etruscan and Faliscan epigraphy – and possibly Venetic epigraphy,<sup>490</sup> and in a more limited way.<sup>491</sup> Although the Greek language featured a specific term for “freedman/freedwoman”, Classical and early Hellenistic epigraphy did not usually adopt any specific formula to identify a manumitted slave.<sup>492</sup> The lack of dedicated onomastic conventions for Greek freed individuals can possibly be linked to the legal status that former slaves usually

---

<sup>488</sup> The idea that a freed slave had no legal father recurs several times in the literary sources, for example in Mart. 11.12, and in Cic. *De Or.* 2.257.

<sup>489</sup> AE 1974, 346: 'C(aius) Publicius m(unicipii) M(ediolaniensium) Eutyches'; AE 1998, 747: 'Publicia colon(iae) I(uliae) A(ugustae) E(meritae) I(iberta)'; CIL IX, 396: 'C(aius) Poblicius populi lib(ertus) Eros'.

<sup>490</sup> Rix 1994; Capdeville 2002; Bakum 2009, 236-7. Venetic epigraphy featured a term akin to *libertus*; however, in inscriptions it was not followed by the name of the former owner of the slave, as it was in Latin epigraphy: for reference, see PID 163.

<sup>491</sup> There is no unanimous consensus on what the Etruscan status of '*lautni*' entailed, despite it being equated to '*libertus*' in two bilingual inscriptions (CIE, 1288 Clusium; 3692 Perugia). Moreover, the term was not adopted everywhere in the Etruscan world: it was mostly confined to the areas of Clusium, Perugia and Volaterrae.

<sup>492</sup> McLean 2002, 128-30.

acquired: in most cities, manumitted individuals were given the status of a metic, which they shared with freeborn foreign residents, and which already set them apart from the rest of the civic community.<sup>493</sup> In Republican Rome, however, the legal framework was different: upon manumission, a former slave not only acquired personal freedom, but also Roman citizenship.<sup>494</sup> Thus, the adoption of '*mulieris* libertination' allowed even the former slaves of a Roman woman to indicate that they had been properly manumitted, and endowed with citizenship as a result, even if it did not permit the immediate identification of their patroness, as the libertination of a slave freed by a man instead did (to a limited degree).

The easily recognisable parallels between '*mulieris* libertination' and '*Spurii* filiation' give the impression that *both* onomastic formulas were devised not only to indicate a (legal) status, but also – and, perhaps, more importantly – to highlight a connection with an established Roman family, from which that particular status derived. Despite being outside of that '[...] web of rights and responsibilities involved in *patria potestas* [...]',<sup>495</sup> illegitimate sons and daughters of a Roman woman were still Roman citizens. Perhaps more importantly, even if they were not legally part of the *familia* to which their mother belonged, through their blood relationship they still enjoyed close familial ties to their natural family,<sup>496</sup> which were also made apparent in the adoption of their mother's *nomen* (and usually, for the males, of their grandfather's *praenomen*). Moreover, these ties were recognised by law: for example, at least from the reign of Hadrian illegitimate children were entitled to a share of their mother's estate, if she died without having made a will; and illegitimate children excluded from their mother's will could challenge its validity.<sup>497</sup> In short, despite the limitations attached to their condition, illegitimate children of a Roman woman were *Roman* citizens, coming from a *Roman* family. Contrary to Greek and Etruscan practices, Latin epigraphy did not

---

<sup>493</sup> On the status of freed slaves in Ancient Greece, see Zelnick-Abramovitz 2009.

<sup>494</sup> Gaius 1.17. The limitations described by Gaius, such as the introduction of a minimum age at manumission for the slave, were the result of the Lex Aelia Sentia promulgated in AD 4. During the Republic, the requirements would have been somewhat less stringent. For a discussion of Roman manumission practices (and their outcomes), see Buckland 1908, which focuses on imperial times; however, 437-48 discusses the legal framework of manumission under the Republic.

<sup>495</sup> Rawson 1989, 10.

<sup>496</sup> For an in-depth discussion, see Rawson 1989, 23-9.

<sup>497</sup> *Inst. Iust.* 3.7; *Paulus Sent.* 4.10.1; *Dig.* 5.2.29.1.



feature any form of matronymic;<sup>498</sup> therefore, if the illegitimate children of a Roman woman wanted to indicate that they descended from a Roman family on their maternal side – the only kinship that the law recognised in their case, then they had to resort to the artifice of ‘*Spurii* filiation’. Thus, through the formula ‘*Sp. f.*’, Roman citizens of illegitimate birth could be put on an equal footing with those born by a Roman father who had contracted *iustae nuptiae* and, hence, could state their descent from a Roman parent, even if the formula did not provide any information on their particular parentage, as regular filiation instead did. Only by maintaining that the fundamental message embodied by the formula ‘*Sp. f.*’ must have transcended a simple indication of free birth, which could have been equally achieved through a record of the voting tribe, is it possible to understand the widespread and liberal use of ‘*Spurii* filiation’. After all, even taking into account the Romans’ lack of moral stigma towards illegitimacy, it seems unlikely that many individuals would have freely advertised what still was, at least from a legal point of view, an unfavourable condition, if the formula ‘*Sp. f.*’ were a mere declaration of free yet illegitimate birth.

As we have seen, in the onomastics of men and women of illegitimate birth, ‘*Spurii* filiation’ effectively replaced ‘regular’ filiation. Since the evidence seems to suggest that the formula was employed deliberately by numerous ‘*Spurii filii*’ in order to indicate their connection to a Roman family (on the maternal side), it can be further argued that, in Latin epigraphy, even ‘regular’ filiation might have served a similar purpose. It follows that, if filiation (by *paenomen*) was *conventionally* interpreted as an indication of descent from a Roman parent, then its use might have been restricted to Romans citizens only; additionally, even some categories of individuals – namely first-generation citizens – might have been unable to employ it despite being in possession of the Roman franchise.

This hypothesis seems to be confirmed by a number of inscriptions set up by or for men and women who had been granted Roman citizenship later in life – either on their own, or with other members of their family. The majority of the documents in question had been commissioned by former magistrates of civic communities of Latin right, who automatically received the Roman franchise at the end of their term; the rest

---

<sup>498</sup> Turfa 2013; McLean 2002, 94. It is especially interesting that, in Greek epigraphy, matronymic was often used by men and women of illegitimate birth, even if it was in no way restricted to this particular category of individuals.

belonged to men and women who had been personally granted Roman citizenship by the emperor. While these inscriptions come from several different provinces, there is a clear overrepresentation of Baetica in the evidence, which is partially due to the nature of the documents: thanks to Vespasian, every civic community in that province – and possibly in the rest of Roman Hispania – had been granted the *ius Latii*.<sup>499</sup> The Latin right was almost as common in other areas of the Empire,<sup>500</sup> but in some provinces, such as Gallia Narbonensis, former magistrates of Latin communities appear to have been less keen on commemorating their acquisition of the Roman franchise, possibly due to different epigraphic habits. Despite the uneven geographical distribution of the evidence, the complex patterns of the usage of status indicators in all the inscriptions of newly enfranchised citizens show an adherence to common epigraphic practices, which therefore cannot be considered local Baetican habits.

A feature common to most inscriptions commemorating the acquisition of the Roman franchise is the inclusion of the record of the voting tribe in the name of the new citizen. The presence of this particular element is hardly surprising, as the tribal affiliation was theoretically part of the extended onomastics of every male Roman citizen, and even in imperial times was still considered to be a distinctive sign of the Roman franchise, despite the diminished role of the electoral assemblies. More peculiar is the absence of filiation, which several inscriptions omit from the onomastics of newly enfranchised citizens, even in those documents where the record of the voting tribe is present. A good example of the practice is offered by three dedicatory inscriptions from Baetica, which were commissioned by former magistrates to give thanks for the acquisition of the Roman franchise. The first, dedicated to Domitian, was set up by Aurelius and Novatus, who presumably served as the *duoviri* of ancient Iluro during the same term.<sup>501</sup> Since the two magistrates share the same *praenomen* and *nomen*, it is likely that they both were given the *tria nomina* at the moment of the acquisition of Roman citizenship. Even though both Aurelius and Novatus must have been freeborn,<sup>502</sup> the

---

<sup>499</sup> Plin. *HN* 3.30

<sup>500</sup> For example, it has been suggested by Chastagnol that Gallia Narbonensis had been given the *ius Latii* at some point either under the dictatorship of Caesar, or under the Reign of Augustus: Chastagnol 1995, 117-8. For a thorough discussion on Latinity, see Chapter II.

<sup>501</sup> CIL II, 1945: Imp(eratori) Domitiano Caesari / Aug(usto) Germanico / L(ucius) Munnius Quir(ina) Novatus et / L(ucius) Munnius Quir(ina) Aurelianus / c(ivitatem) R(omanam) per h[ono]rem Ilvir(atus) consecuti / d(e) s(ua) p(ecunia) d(onum) d(ederunt).

<sup>502</sup> Freedmen had been barred from holding magistracies at least since the promulgation of the Lex Visellia, in AD 24: see Mouritsen 2011, 73; in Baetica, their limitations were reiterated

inscription does not include the filiation of either of them, while providing a record of their voting tribe, the local Quirina. The same usage of status indicators was adopted by another former magistrate, who set up two inscriptions in different locations, at Cisimbrium and Igabrium. The two altars were dedicated by Quintus Annius Niger to Venus Victrix, to give thanks for his acquisition of the Roman franchise under Domitian's ninth consulship, and were probably both set up around the same time; again, like the inscription belonging to Aurelius and Novatus, both documents record Niger's voting tribe – still the Quirina – while omitting his filiation.<sup>503</sup>

As argued in the previous chapter, the complete absence of status indicators in an inscription honouring a freeborn Roman citizen was a rather common occurrence in imperial times, and the omission can often be attributed to the preference of the individual who set up the monument. However, in an inscription that otherwise included the record of the voting tribe of a new Roman citizen, the absence of filiation cannot be generally dismissed as a personal choice: the omission of only that particular status indicator calls for a different analysis. For the inscriptions discussed above, the most logical explanation is that the three magistrates mentioned in the documents might not have been able to use filiation, at least in an official way.<sup>504</sup> As

---

in a clause of the Lex Flavia Municipalis, for example clause LIII in the Lex Irnitana: see González 1986, 163.

<sup>503</sup> AfrRom 16.1, 148; CIL II<sup>5</sup>, 291: Veneris Victricis / m(unicipio) F(lavio) C(isimbrensi) beneficio / Imp(eratoris) Caesaris Aug(usti) / [[Domit]iani] IX co(n)s(ulis) c(ivitatem) R(omanam)] / consecutus per hono/rem Ilvir(atus) Q(uintus) Anni/us Quir(ina) Niger / d(e) s(ua) p(ecunia) d(edit) d(edicavit).

<sup>504</sup> A clause of the Lex Flavia Municipalis (LXXXVI in the Lex Irnitana) specifies that those who were selected to act as *iudices* had to display – besides their tribunal – inscribed tablets containing their '[...] praenomina nomina item patrum praenom[i]na et ipsorum tribus cognomina. [...]' However, according to González and Crawford '(t)he formulation of the rules for nomenclature no doubt goes back at least to the *Lex repetundarum* [...]': González 1986, 154. In my opinion, there is no doubt that the extended formula given in this clause of the Lex Flavia Municipalis – which was clearly taken from Republican laws – was not binding for every *iudex* of a Latin civic community. Latin citizens were not enrolled in the Roman voting tribes, and the *tria nomina* were not universally adopted by Latin individuals. As such, the formula indicated in the Lex Flavia Municipalis could only be applied in full to (second-generation) Roman citizens; the rest of the *iudices* probably indicated only those of the onomastic elements that effectively were part of their nomenclature – i.e. *simplex nomen* and peregrine patronymic for a Latin citizen not adhering to Roman onomastic conventions. It follows that the Lex Flavia Municipalis cannot be taken as indication that first-generation Roman citizens were entitled to use filiation in an official way. If the use of filiation was restricted to sons of Roman citizens only, as the evidence seems to suggest, then those first-generation citizens serving as *iudices* in a civic community of Latin right might have simply omitted their filiation from the tablets they were required to put on display; or possibly they would have used their old peregrine patronymic, maybe placing it outside of their proper 'Roman' onomastic record, for example by inscribing it after their *cognomina*.

new Roman citizens, Aurelius, Novatus and Niger likely represented the first generation of their respective families to hold the Roman franchise. Since their parents had not been Roman citizens before them, the three former magistrates might not have been able to incorporate their filiation in their full onomastic record, if that status indicator was *conventionally* interpreted as a sign of descent from a Roman family – as suggested above. On the other hand, the three – as newly enfranchised citizens – were definitely entitled to include a record of their tribal affiliation in any inscription, because that particular onomastic element was rather an indication of personal franchise. Moreover, the impression that Aurelius, Novatus and Niger could not use filiation freely is further corroborated by a comparison of their inscriptions with the (little) epigraphic evidence left by the other magistrates of the same civic communities. The only other inscription set up for a former *duumvir* of Iluro,<sup>505</sup> the epitaph of Lucius Marcius Optatus, included both his filiation (Quinti filius) and the record of his voting tribe (Galeria). Optatus – who died at the age of 36 – had been a *tribunus militum* in the Legio II Augusta and *aedilis* at Tarraco, a civic community of Roman right, before becoming *duumvir* at Iluro.<sup>506</sup> Given his cursus, his tribal affiliation, and the fact that he did not share the *praenomen* with his father, it is evident that Optatus did not acquire the Roman franchise through holding the office at Iluro, but instead was most likely born to a Roman family – possibly from Tarraco. Therefore, if he was a scion of a Roman family, as his inscription suggests, Optatus was clearly able to use filiation, which might have been instead precluded for the new citizens Aurelius and Novatus. Similarly, all the other magisterial inscriptions found at Cisimbrum and Igabrum record their filiation (and most also their voting tribe), including the two commissioned magistrates who had been enfranchised with some other members of their family, and which will be discussed in greater detail below.<sup>507</sup> Again, of all the magisterial inscriptions documented at Cisimbrum and Igabrum, the omission of filiation exclusively in the ones set up by Niger points towards a lack of capacity to use that particular status indicator, rather than to personal choice.

---

<sup>505</sup> There is a second inscription mentioning a *duumvir* of Iluro, Gaius Vibius Fabius, for whom no status indicator was given: CIL II, 1947. However, since the document in question was not commissioned by the *duumvir* himself, nor honored him in a way, the document is of little relevance for the present study:

<sup>506</sup> CIL II, 4616.

<sup>507</sup> CIL II<sup>5</sup>, 291; 292; 294; 305; 308.

Thanks to the dispositions of the Lex Flavia Municipalis, which applied to Baetica and likely to the rest of Roman Hispania,<sup>508</sup> whenever a magistrate of a civic community of Latin right reached the end of his term, the Roman franchise was granted not only to him, but also to part of his family, including his parents – if they were still alive.<sup>509</sup> The role of the Lex Flavia Municipalis in the enfranchisement of whole families can be documented through a few inscriptions, such as the dedication to the *domus Augusta* set up by Marcus Clodius Proculus, *duumvir* and *pontifex Augusti* at Soricaria.<sup>510</sup> The monument was commissioned to serve different purposes, the most paramount of which was to celebrate – and give thanks for – the acquisition of the Roman franchise not only for Proculus, but also for his wife Annia and his sons Rusticus and Marcellus. As in the inscriptions set up by Aurelius, Novatus and Niger, the only status indicator included in Proculus' onomastics is the record of his voting tribe, the Galeria; filiation is absent. Like the other three former magistrates, it can be speculated that Proculus, as the first member of his family to acquire Roman citizenship, was not officially entitled to use filiation, while still being enrolled in a tribe. On the other hand, as sons of a Roman citizen, both Rusticus and Marcellus would have been able to adopt both status indicators, even if none is present in this particular document. Such an absence is not uncommon: the monument, which has *cursus*-undertones, was primarily meant to honour Proculus, and therefore the status indicators of the other individuals mentioned could be omitted without consequences, especially if considering that both their legal status and familial relationship were otherwise specified in the inscription – as we have seen on other examples in the previous chapter.<sup>511</sup>

Given the liberal disposition of the Lex Flavia Municipalis, most magistrates would have been enfranchised with other members of their families, and some – especially the younger ones – would have received the franchise alongside their parents. This particular is not insignificant: if the father of a *duumvir* or an *aedilis* was still alive at the end of his son's term, and thus received Roman citizenship, then the former magistrate, as the son of a Roman citizen, would have been able to use filiation. This

---

<sup>508</sup> Fear 1996, 138-9

<sup>509</sup> See clause XXI in the Lex Irnitana: González 1986, 154.

<sup>510</sup> CIL II<sup>5</sup>, 401: Sacrum domus Aug(ustae) / M(arcus) Clodius Gal(eria) Proculus Ilvir pont(ifex) Aug(usti) / [pe]r honorem c(ivitatem) R(omanam) [c]o[ns]ecutus] cum Annia [ux]or[e] / et M(arco) Clodio Rustico et [M(arco)] Clodio Marcello fili(i)s [benefi]cio / Imp(eratoris) Caesaris Vespasiani Aug(usti) d(e) s(ua) p(ecunia) d(edit) d(edicavit).

<sup>511</sup> Compare also CIL VI, 32412.

slightly convoluted dynamic seems to have been at play in the only two inscriptions that included the filiation of the former magistrates who commissioned them. The first one, from Igabrum, was dedicated to Apollus Augustus by the former *aedilis* Marcus Aelius Niger – whose filiation was given as *M(arcus) f(ilius)*, who had received the Roman franchise ‘*cum suis*’.<sup>512</sup> The formula ‘*cum suis*’ is rather vague, and it is generally employed to indicate the whole of one’s immediate family, including parents. Considering that Niger had served in the junior magisterial position of *aidilis*, and that the *praenomen* in his filiation matches his own, it is likely that his father had been one of those members of his family who had received the Roman franchise. If this hypothesis is true, as the son of a Roman citizen, Niger would have been able to use filiation, and thus to include that onomastic element in the dedication here examined. A second inscription – from the nearby Cisimbrium – followed a similar layout, but additionally included the record of the voting tribe of the former *duumvir* who commissioned it, Valerius C(ai) f(ilius) Quir(ina) Rufus, whose *praenomen* is lost due to a lacuna.<sup>513</sup> Rufus had received his franchise ‘*cum uxor[e]*’; the stone is badly weathered, and it is broken at the end of that very same line, but the resulting gap could only fit a few letters. The gap could have originally contained the *simplex nomen* of Rufus’ wife – as in the dedication by Proculus – but the fact that Rufus’ own name was given only at the end of the inscription, as in the monument commissioned by Niger, makes it likely that the magistrate was the only one mentioned directly in the inscription;<sup>514</sup> thus, a restitution of the text as ‘*cum uxore et suis*’ is much more plausible.<sup>515</sup> Therefore, it is possible that Rufus had been enfranchised alongside his father, which would have allowed him to use filiation.

Given the ambiguous nature of these inscriptions – further complicated by gaps in the text dedicated by Rufus – the presence of filiation in the onomastics of the two former magistrates can only be explained by resorting to speculation. Fortunately, two other

<sup>512</sup> CIL II<sup>5</sup>, 308: Apollini Aug(usto) / municipii Igabrensis / beneficio / Imp(eratoris) Caesaris Aug(usti) Vespasiani / c(ivitatem) R(omanam) c(onsecutus) cum suis per hono[r]em / Vespasiano VI co(n)s(ule) / M(arcus) Aelius M(arcus) fil(ius) Niger aed(ilis) / d(edit) d(edicavit)

<sup>513</sup> CIL II<sup>5</sup>, 292: [---] / m(unicipio) [F(lavio?)] C(isimbrensi) benef[icio] / Imp(eratoris) Ca[es]aris Aug(usti) Vespas[i]ani VIII T(iti) Caesaris Aug(usti) f(ilius) / VI co(n)s(ulum) c(ivitatem) R(omanam) [c]onsecu[t]us cum uxor[e ---] / per hon(orem) Ilv[i]r(atus) / [---] Valerius C(ai) f(ilius) Quir(ina) Rufus / d(e) s(ua) p(ecunia) d(edit) d(edicavit).

<sup>514</sup> Note that, in the first edition of the inscription (CIL II, 2096), the text was restored as ‘*cum suis omnibus*’, instead of ‘*cum uxore* [---]’.

<sup>515</sup> For other inscriptions adopting a formula that can be assimilated to ‘*cum uxore et suis*’, see: AE 2008, 388 ‘*uxori suae et suis*’; CIL II, 123 ‘*uxori sibi suisque*’; CIL III, 6090, ‘*uxori suae suisque*’; CIL III, 8451: ‘*uxori et sibi et suis*’; CIL V, 562 ‘*uxori et suis*’.

monuments seem to offer confirmation that filiation could *conventionally* be adopted only by the sons and daughters of a Roman citizen. Like the one commissioned by Rufus, the first of these inscriptions is rather weathered, even if the damage has a lesser impact on the readability of the text.<sup>516</sup> The very beginning and the conclusion of the inscription are lost, but it is clear that the monument commemorated the acquisition of the Roman franchise of two different men. According to the latest edition, there is now a third gap, resulting in the disappearance of the *nomen* of the second individual which, nonetheless, the first edition indicated legible as *Iunius* – the same *nomen* as that of the first man.<sup>517</sup> Despite the modern loss, it can be argued that the two individuals were father and son: they likely had the same *nomen*, they shared the same *praenomen* – which also appears in Faustinus' filiation – and, most importantly, Faustinus' second *cognomen* seems modelled on the *cognomen* of the other man, Faustus, following an onomastic trend commonly adopted when naming children.<sup>518</sup> The two might have received a *viriliter* grant of citizenship, but the indication of the *beneficium* – which occurs also in CIL II<sup>5</sup> 292 and 401 – seems rather to suggest enfranchisement through a magisterial role. Thus, the inscription can be interpreted in three different ways, which all lead to similar conclusions: a) Faustus and Faustinus were not related, and served as magistrates during the same term; b) the two were indeed father and son, and also served as magistrates together;<sup>519</sup> c) Faustus and Faustinus were father and son, both acquiring the franchise at the end of the tenure of either as magistrate, and being honoured with the same monument. Whether they both held a magistracy or not, it is most likely that Faustus and Faustinus were father and son;<sup>520</sup> and a filial relationship would explain why, as the son of a Roman citizen, Faustinus was able to adopt filiation in his onomastic record, while Faustus could not. However, even if the two were not related, the presence of

---

<sup>516</sup> CIL II<sup>5</sup>, 615: L(ucius) Iunius Faustus / L(ucius) [Iunius] L(uci) f(ilius) / Mamius Faustinu[s] / c(ivitatem) R(omanam) per honorem / consec[uti] benefic[i]o / [Imp(eratoris) Caes(aris) Aug(usti) Vespasiani(?) --- ].

<sup>517</sup> CIL II, 1631.

<sup>518</sup> For reference, see the epitaph of Quintus Rubrius Rufus, dedicated by his daughter Rubria Rufina: AE 2007, 1108; the epitaph of Marcus Annius Callistus, dedicated by his son Marcus Annius Callistianus; AE 1990, 157; and the epitaph of Quintus Caecilius Vitalis, dedicated by his sons Caecilius Vitalianus Barbarus and Caecilius Rusticulus: AE 2012, 1853.

<sup>519</sup> For an example of relatives serving together as magistrate during the same term, see the inscription that commemorates the renovation of the temple of Isis and Serapis at Sulcis in Sardinia, sponsored by the freedman Marcus Porcius Primigenius for the election to the post of *IIIvir aedilicia potestate* of his two sons, Felix and Impetratus: CIL X, 7514.

<sup>520</sup> It is possible that the two men were not related, and that – as colleagues in office – they acquired the same *praenomen* and *nomen* at the moment of enfranchisement like Aurelius and Novatus of CIL II, 1945; however, the clear analogies between the *cognomina* of the two individuals strongly imply a familial relationship of some sort.

filiation – in the onomastic record of only one of two newly enfranchised citizens honoured with the *same* monument – can only be explained through Faustus' lack of the capacity to use that particular status indicator.

The final inscription commemorating the acquisition of the Roman franchise by a magistrate (and likely the members of his family) was found at Nattabuttes in Africa rocunsularis, which confirms that the patterns of usage of status indicators documented so far were not unique to Baetica.<sup>521</sup> The monument – an epitaph – is thankfully undamaged, and the reading is fairly straightforward: it was originally commissioned by Marcus Iulius Novellus for his wife Iulia Romula, but additional epitaphs were latter added for his daughter, Iulia Victoria, and for Novellus himself. Of the three individuals commemorated in the funerary monument, Iulia Victoria is the only one for which filiation is given. Her filiation appears to be slightly unusual; it includes the *nomen* and *cognomen* of his father, rather than his *praenomen*, a practice that is also attested at Rome,<sup>522</sup> and it is placed after her *cognomen*, rather than between *nomen* and *cognomen*. However, the last arrangement was probably made to make the inscription more legible, since the *filiae* in Victoria's filiation – which is not abbreviated – flawlessly connects with the rest of her epitaph: '*filiae piissimae foeminae rarissimae [...]*'. Much more significant is the absence of filiation in the epitaph of Novellus – which also commemorated his acquisition of the Roman franchise, no doubt through holding a magistracy (and not as the result of a viritane grant), as implied by the adjective '*consecutus*'. Novellus' epitaph shows clear *cursus*-undertones, enumerating his whole career as a local magistrate. Considering how filiation was usually included in *cursus* inscriptions, its absence from Novellus' monument seems to point towards his lack of a capacity to use that status indicator, especially when taking into account that the very same element is present in his daughter's epitaph. It is not known if the municipal charter of Nattabutes contemplated the extension of the Roman franchise also to the immediate family of former magistrates, and it cannot even be assessed for sure whether the death of Novellus

---

<sup>521</sup> CIL VIII, 16916: Iulia<e> Ro/mulae piis/simae con/iugi raris/simae v(ixit) a(nnos) / L h(ic) s(ita) e(st) / M(arcus) Iulius No/vellus marit(us) fecit // M(arco) Iulio No/vello c(ivitatem) R(omanam) / consecu/to decuri/oni aedilic(io) / praef(ecto) i(ure) d(icundo) / Ilviral(icio) p(io) v(ixit) a(nnos) / LXX h(ic) s(itus) e(st) // Iuliae Victo/riae Iuli No/velli filiae / piissimae / feminae ra/rissimae v(ixit) a(nnos) / XXXI h(ic) s(ita) e(st).

<sup>522</sup> Particularly famous is the epitaph of Caecilia Metella, whose filiation was '*Q(uinti) Cretici f(ilia)*': CIL VI, 1274; see also the filiation of Gaius Iulius Marinus: CIL XIII, 1048.



predated that of his daughter, as the layout of the inscription might imply.<sup>523</sup> Yet, it is likely that Iulia Victoria had received the Roman franchise alongside her father, and that – as in the other inscriptions so far examined – filiation was included in her onomastic record because she was the daughter of a Roman citizen, whereas her father Novellus was the first member of the family to hold the franchise.

The omission of filiation in inscriptions involving new Roman citizens was not a practice exclusive to the epigraphic evidence left behind by former magistrates of a civic community of Latin right: it is also attested in most of the very few surviving monuments which mention individuals enfranchised through an imperial grant of citizenship. The earliest document – found at Celeia in Noricum – was set up by Gaius Iulius Vepo at some point after the deification of Augustus; although the inscription is funerary in nature, it clearly highlights the grant of Roman citizenship and fiscal *immunitas* that he had received from the emperor.<sup>524</sup> Unfortunately, no status indicator was included in Vepo's onomastics. The absence of both filiation and the record of the voting tribe – to which, as a Roman citizen, he was nonetheless entitled – makes it difficult to appreciate fully whether the lack of the former was a deliberate omission, or whether Vepo, as a first-generation Roman, was not able to use it. On the other hand, a patronymic indication was included in the onomastics of his wife Boniata, who was most likely a *peregrina*. However, it should be noted that, in Latin epigraphy, the condition of a peregrine was usually indicated through a *simplex nomen* followed by the *simplex nomen* of his or her father in the genitive case, plus the word '*filius/filia*'. These onomastic conventions were already in use under the Republic,<sup>525</sup> and so it can be argued that, for a Roman, filiation had a different meaning when it

---

<sup>523</sup> The inscription is divided in quarters; the two above inscribed with the epitaphs of Romula and Novellus, while the inferior one to the left with the *titulus sepulcralis* of Victoria; the one to the right is empty. Since Latin epigraphy was written left to right, it is possible that the top left quarter was given to the first deceased family member, Romula; then, the top right was inscribed when the second death occurred, which would be Novellus'; and finally the inferior quarter to the left was reserved for Victoria's epitaph. However, it is also equally plausible that Novellus had decided upon keeping the top quarter of the monument for himself, so that his epitaph could be positioned next to his wife's, even if his daughter had died before him.

<sup>524</sup> CIL III, 5232: C(aius) Iulius Vepo donatus / civitate Romana viritim / et immunitate ab divo Aug(usto) / viv[er]e fecit sibi et / Boniatae Antoni fil(iae) coniugi / et suis.

<sup>525</sup> For reference, see the bronze tablet – dated to 90 or 89 BC – documenting the enfranchisement of the Hispanic knights belonging to the Salluitan squadron, who were given Roman citizenship by Pompey as reward for their valor: CIL VI, 37045. Unfortunately, like in the imperial *diplomata* of honourable discharge, the knights are indicated only with their peregrine name, and not with the one they adopted after their enfranchisement, so the document is of little relevance for the present study.

accompanied a peregrine name, than when it was part of a *duo* or *tria nomina* name adhering to Roman conventions.<sup>526</sup> The omission of Vepo's voting tribe is not particularly surprising: as highlighted in the previous chapter, the practice of not including the tribal affiliation, especially in funerary monuments, was one followed by many Roman citizens, even when they otherwise chose to record their filiation. However, considering that a form of filiation – albeit of the peregrine patronymic type – was given for Boniata, the absence of a similar element in Vepo's onomastics might suggest a lack of capacity to use that specific status indicator. If conventions did not prevent Vepo from turning his old peregrine patronymic into a proper 'Roman' filiation, then it is difficult to explain why he chose not to do so, when he included the same element in the onomastics of his wife Boniata.<sup>527</sup>

Filiation was equally omitted from the monument dedicated to another newly enfranchised citizen, Publius Cornelius Macer, which otherwise indicated his voting tribe, the Quirina.<sup>528</sup> Macer – who had been honoured with a statue set up by his heirs – had served as *quaestor* and *duumvir* of Ammaia; however, he had not received the Roman franchise through holding a magistracy, but rather through a viritane grant of citizenship bestowed by Claudius, which likely predated his tenure of the local magistracy. Filiation was frequently included in the other inscriptions from the territory of Ammaia, both in the onomastic formula of the foreign residents (as a peregrine patronymic), as well as in the names of other Roman citizens, who also indicated their tribal affiliation.<sup>529</sup> As such, the omission of that particular onomastic element in the inscription dedicated to Macer is particularly significant, and reflects the same usage documented in the monuments of Aurelius, Novatus and Niger who, like Macer, were newly enfranchised citizens.

---

<sup>526</sup> For ease of reference, I consistently refer in this chapter to the *duo* or *tria nomina*, which are often considered to be the most characteristic of the Roman onomastic conventions. However, the argument here put forward applies to all the different Roman naming practices discussed by Salway 1994.

<sup>527</sup> Additionally, see the inscription dedicated to L(ucius) Fabius Gal(eria) Severus by two individuals of peregrine condition, Ripanus Crispini f(ilius) and Crispinus Ripani f(ilius): CIL II, 1068. While both individuals bear a peregrine patronymic, filiation is omitted from the onomastic record of Severus, which however includes his voting tribe.

<sup>528</sup> AE 1946, 253: P(ublio) Cornelio / Q(uirina) Macro / viritim a divo / Claudio civitate / donato / quaestori Ilvir(o) / ex testamento ipsius / [---] Quintius Capito / cum Q(uito) f(ilio) h(eredes) p(osuerunt). Even if the abbreviation Q(uirina) is rarer than other forms, it is still attested in several hundred inscriptions; for reference, see: AE 1907, 231; CIL II<sup>5</sup>, 1006; CIL II, 5700.

<sup>529</sup> Examples of peregrine patronymic at Ammaia: CIL II, 165; 169; AE 1969/70, 239; examples of Roman citizens whose names include both filiation and the voting tribe: AE 1980, 547; CIL II, 167.

A third monument, an altar from Doclea in Dalmatia, adheres to the same patterns of usage of status indicators so far highlighted, and might equally have been set up by a newly enfranchised citizen, even if the inscription does not state it explicitly. The altar was dedicated – ‘*ob honorem*’ – to the deified Titus by Lucius Flavius Epidianus, a *quattuorvir iure dicundo*.<sup>530</sup> While the formula is rather obscure, and might allude to the honour of the *quattuorviratus*,<sup>531</sup> several elements suggest that the monument might instead have been commissioned to give thanks for a virilane grant of citizenship. Epidianus was certainly a citizen, enrolled in the Quirina voting tribe. It is not known whether Doclea was a civic community of Latin right, and if Epidianus might have acquired the Roman franchise through holding a magistracy. However, the fact that he shared the same *nomen* with the deified emperor to whom he had dedicated an altar seems to suggest that Epidianus had been personally granted Roman citizenship by Titus. Regardless of how Epidianus actually acquired the franchise, at Doclea – as in the other communities so far examined – filiation was usually included in the onomastics of those individuals for whom a record of the voting tribe was given in an inscription.<sup>532</sup> As such, the absence of this particular onomastic element in the monument commissioned by Epidianus – who was likely a newly enfranchised citizen – might again point towards a lack of capacity to use filiation in an official fashion, rather than towards the result of personal choice.

The last known monument to be dedicated to an individual who had received the Roman franchise through an imperial grant of citizenship was commissioned by Titus Flavius Hermes, a freedman, for Titus Flavius Alexander, who had been enfranchised by Vespasian. The inscription, which was probably an epitaph, was found in the region of Isaura in Galatia, and not only recorded Alexander’s voting tribe – the Quirina (although abbreviated as ‘Cyr’) – but also his filiation (*Castoris filius*).<sup>533</sup> While Alexander’s filiation might appear to be of the peregrine type at first, it was more probably a ‘traditional’ filiation fashioned using the *cognomen* of Alexander’s father

---

<sup>530</sup> CIL II, 12680: Divo Tito / Aug(usto) / L(ucius) Flavius Quir(ina) / Epidianus / IIIIvir i(ure) d(icundo) / qui(n)q(uennalis) / ob honor(em).

<sup>531</sup> In most cases, the formula ‘*ob honorem*’ is used in those inscriptions which commemorate the acquisition of a magistracy, a priesthood or a role of some sort in more private *collegia*; however, it is usually followed by a mention of the role acquired. For reference, see AE 1936, 64 for a *duumviratus*; CIL III, 1798 for a *seviratus*; AE 1976, 711 for a *flaminatus*.

<sup>532</sup> For reference, see: CIL II, 8287a-d; 12961; 12965.

<sup>533</sup> CIL III, 6785: T(ito) Flavio Castoris / f(ilio) Ɱ Qui Ɱr(ina) Alexandro / civitate donato ab / Imp(eratore) Caes(are) Vespasiano / F(lavius) Hermes lib(ertus).

instead of his *praenomen*, a practice documented even at Rome.<sup>534</sup> The impression is strengthened by a second inscription set up by Hermes for Alexander's son, Titus Flavius Menelaus, which gives Menelaus' filiation as *Alexandri f.*, again substituting his father's *cognomen* for his *praenomen*.<sup>535</sup> Thus, while the inscription does not ultimately shed light on the legal status of Castor – Alexander's father – it is possible that he had been granted the Roman franchise alongside his son, especially considering that the inscription lacks the adverb *uiritim*, which is otherwise included in the monuments of Vepo and Macer.<sup>536</sup> If this hypothesis is correct, as the son of a Roman citizen, Alexander would have been able to use filiation, despite having been enfranchised at the same time as his father. Grants of Roman citizenship to different members of the same family were by no means exceptional, and are attested both in the literary sources, for example in the letters of Pliny, and in a few epigraphic examples such as the so-called 'Tabula Banasitana'.<sup>537</sup>

The patterns of usage of status indicators so far highlighted are not restricted to those inscriptions specifically set up to commemorate the acquisition of the Roman franchise, but also appear in several monuments involving magistrates of civic communities of Latin or Roman right, documented in different areas of the Empire. For example, at Sarmizegetusa in Dacia, some inscriptions involving a few of the *decuriones* and magistrates included a record of their voting tribe, while omitting their filiation;<sup>538</sup> however, the majority of the inscriptions honouring the local notables – as a rule – included both status indicators.<sup>539</sup> Sarmizegetusa was a civic community of Roman right, having been chartered as a colony in Trajanic times. Thus, it is possible

<sup>534</sup> For example, see the epitaph of Cornelia, mother of Tiberius Gracchus and Sempronius Gracchus, whose filiation was given as '*Africani f(ilia)*': CIL VI, 10043.

<sup>535</sup> Lykaonien I, 252: T(ito) Flavio Alexandr[i] / f(ilio) r Qui r(ina) Menelao / T(itus) Flavius / [F]laviae Attianis / lib(ertus) Hermes.

<sup>536</sup> Compare the inscription commissioned by Caius Calpurnius Asclepiades, a *medicus* from Prusa ad Olympum, who had been given the Roman franchise '*parentibus et sibi et fratribus*', which equally does not include the adverb *uiritim*: CIL XI, 3943.

<sup>537</sup> Plin. *Ep.* 10.11, in which Pliny asked Emperor Trajan to grant Roman citizenship to the relatives of his *medicus*, Postumius Marinus, discussed in Chapter II above. Compare also the so-called 'Tabula Banasitana', documenting the enfranchisement of a local notable and his family: AE 1961, 142. Unfortunately the *tabula* – which contains a copy of three different letters – does not include any status indicator for the enfranchised individuals, and as such is of little relevance for the present study. For a recent discussion of the Tabula Banasitana, see Purpura 2012a.

<sup>538</sup> For reference, see the following inscriptions that only record the voting tribes of local magistrates and *decuriones*: CIL III, 1478; 1502; 7983.

<sup>539</sup> Compare with those epigraphic evidence including both status indicators: CIL III, 1448; 1486; 1492; 1495; 1497.

that those local magistrates and *decuriones* who only included the record of the voting tribe in their inscriptions were actually newly enfranchised citizens, who might personally have been granted the franchise at the moment of the foundation of the city. All of the notables in question were enrolled in the Papiria – the local voting tribe, which might be a further indication of the recent enfranchisement.

Filiation was also omitted from the funerary inscriptions commissioned for Gaius Sergius Respectus and Gaius Contessius Laevinus, both enrolled in the Voltinia, who both served as *quattuorvir* in two different communities in Gallia Narbonensis, Alba Helviorum and Vienna respectively.<sup>540</sup> Equally, the same onomastic element was not recorded in the *tituli sepulcrales* of Lucius Fabius Felix, who belonged to the tribe Quirina, and of Lucius Iunius Florus, enrolled in the Papiria; the former had served as triumvir of Cirta in Numidia, the latter as *duumvir* of Thubursicu in Africa Proconsularis. Cirta had long been a Roman community, and those local inscriptions which included the voting tribe of a man usually gave his filiation as well; the absence of the former in the epitaph of Felix represents an *unicum*, and might allude to a lack of his capacity to use filiation altogether. The situation is less straightforward at Thubursicu, where the majority of the inscriptions included both the filiation and the voting tribe of the local notables, while a few – like the one set up for Florus – only recorded the latter. The different practices attested at Thubursicu mirror to a degree those of Sarmizegetusa: this might not be a coincidence. Like Sarmizegetusa, Thubursicu was enrolled in the Papiria, and had been chartered as a Roman community during the reign of Trajan; thus, some of the local notables who only included their tribal affiliation in their inscriptions might have been first-generation citizens, enfranchised when the *municipium* was created.

Perhaps even more significant is the absence of filiation in some honorific inscriptions that accompanied monuments dedicated to former *duoviri* of civic communities of Latin right, or in those commissioned by the magistrates themselves to commemorate their acts of euergetism. An example of the former is offered by the monument – likely a statue base – erected by the *decuriones* of Singilia Barba for Lucius Memmius Severus, who had served as *aedilis* and as *duumvir*.<sup>541</sup> While the monument records

---

<sup>540</sup> AE 1992, 1216; CIL XII, 2207.

<sup>541</sup> CIL II<sup>5</sup>, 787: L(ucio) Memmio Quir(ina) / Severo aed(ili) Ilvir(o) / d(ecreto) d(ecurionum) / L(ucius) Memmius Severus / honore usus impensam / remisit.

Severus' voting tribe – he was enrolled in the local Quirina – his filiation is omitted; however, an examination of the epigraphic evidence from Singilia Barba reveals that all the other inscriptions involving the local magistrates included both onomastic elements.<sup>542</sup> The same use of status indicators is attested on the monument dedicated to the Numen Augustorum by Gaius Aurelius Saturninus Cilonianus, enrolled in the tribe Papiria and a former *duumvir* of Vina in Africa Proconsularis, who also chose to commemorate in the same text the *ludi scaenici* that he sponsored.<sup>543</sup> The only other duumviral inscription from Vina, dedicated to Titus Scantius Rogatianus, not only included his voting tribe, but also his filiation, which is not present in the monument commissioned by Cilonianus.<sup>544</sup>

Finally, two identical inscriptions found at Hispalis and Naeva, dedicated by a married couple, highlight an internal discrepancy in the use of status indicators that cannot be easily explained as a personal choice. Even though both monuments are damaged – one rather badly – the text of the inscription can be easily reconstructed in full, without the need to resort to arbitrary restitutions.<sup>545</sup> The two monuments were set up by Lucius Aelius Aelianus – a duumvir of Naeva – and by his wife Egnatia Lupercilla, to commemorate the sumptuous feast they held for the local residents, which itself celebrated the dedication of the statues they had commissioned in order to decorate a portico, equally at their expense. The reconstructed text records Aelianus' voting tribe, the Quirina, while omitting his filiation – which is, however, included in the onomastics of his wife Lupercilla.<sup>546</sup> Unfortunately, only very few inscriptions are documented at Naeva, and none of those mention other *duoviri*; the presence of one of the monuments at Hispalis is not particularly helpful either, as both the inscriptions had probably been erected at Naeva. Yet, despite the impossibility of comparing the two inscriptions with similar epigraphic evidence from Naeva, the omission of filiation

---

<sup>542</sup> CIL II<sup>5</sup>, 786; 788.

<sup>543</sup> CIL VIII, 958: Numini Augustorum sacrum / C(aius) Aurelius Saturninus Papiria Cilonianus / Ilvir inlata rei p(ublicae) Ilviratus honoraria summa / amplius de suo signum lupae cum insignib(us) / suis posuit et expostulante populo diem ludo/rum scaenicorum edidit d(ecreto) d(ecurionum).

<sup>544</sup> ILAfr, 323.

<sup>545</sup> CILA II, 271; AE 1958, 39. The reconstructed text of CILA II, 271 is: L(ucius) Aelius Quir(ina) / Aelianus Ilvir / m(unicipum) m(unicipii) F(lavi) Naevensis / cum Egnat[ia M(arci) f(ilia)] Lupercilla uxore / adiectis specularibus et velis / epulo municip(ibus) et incolis utrius sexus / dato ob dedicationem omnium statuarum quae in / his portic(ibus) ab iis datae et sub inscriptione eorum positae sunt / d(onum) d(edit).

<sup>546</sup> While Lupercilla's filiation is reconstructed in CILA II, 271, it is still readable in AE 1958, 39.

in Aelianus' onomastic record is rather striking, especially considering that the same element was given for his wife. Like the ones discussed on the previous pages, the twin inscriptions of Aelius and Lupercilla were of a highly public nature, and celebrated the prominence of the couple in local civic life. Therefore, it is difficult to maintain that Aelianus might have willingly chosen not to incorporate his own filiation in the text, while at the same time recording that of his wife – and his voting tribe. It is more likely that, as a possible first-generation citizen enfranchised through holding a magistracy, Aelianus might not have been able to use filiation, at least in an official way; the same restriction might not have applied to Lupercilla, perhaps because she had belonged to a Roman family even before her marriage.<sup>547</sup>

The collection of evidence discussed so far was designed to offer a representative sample of inscriptions, but it is by no means exhaustive. While the documents celebrating the acquisition of the Roman franchise are limited in number – and have all been examined – the magisterial inscriptions adhering to the patterns of use of status indicators so far discussed are more numerous, and required some selection. It is self-evident that attempting to identify the legal status of the different members of a family by examining one inscription – or two at best – is a very difficult exercise, and more complex still if trying to reconstruct the changes in status through the generations. Taken separately, none of the inscriptions discussed here can yield definitive results: there are simply too many variables at play. However, it is clear that, by comparing different pieces of evidence related to cases of enfranchisement – first with similar inscriptions from the same region, then with analogous documents from the rest of the Empire – what individually might seem like a series of epigraphic oddities, together highlight an adherence to specific practices.

Most of the men and women discussed above were Roman citizens, whether born into a Roman family, or whether they acquired the franchise later in life, either directly, or through the efforts of their parents. Even if the majority of these individuals ultimately shared the same legal condition, it is precisely the differences in how each of them came to acquire the Roman franchise that allows us to identify the conventions behind the use of each status indicator, when comparing their onomastic

---

<sup>547</sup> It is worth noting that the *nomen* Egnatius/Egnatia is rare in Baetica (only 10 occurrences when searching for the particular *nomen* in the Clauss-Slaby Epigraphik-Datenbank, <http://www.manfredclauss.de/gb/index.html>, last accessed on 26/02/2019). Most of the inscriptions where the *nomen* is attested come from Italy.

records. As we have seen, the great majority of the men who acquired the Roman franchise – whether through an imperial grant of citizenship or through the different technicalities of the Latin right – had their voting tribe recorded as part of their onomastics; however, only a few included their filiation as well. The discrepancy in the use of the two status indicators appears to confirm that, in Latin epigraphy, filiation had come to be conventionally interpreted as a sign of descent from a Roman citizen, a role that the formula ‘*Sp. f.*’ seems to have played in the onomastics of men and women of illegitimate birth as well.

Holding a magistracy in a civic community of Latin right or receiving a personal grant of citizenship were not the only means for acquiring the Roman franchise: those Latin citizens and peregrines who served in the *auxilia* and in the fleet for a sufficient number of years were rewarded with *ciuitas Romana*.<sup>548</sup> Since service in the army probably accounted for a large portion of new enfranchisements,<sup>549</sup> we might suppose that inscriptions commemorating soldiers who had served long enough in the *auxilia* (or in the fleet) might offer conclusive evidence on whether first-generation citizens were conventionally allowed to use filiation or not. However, while the *auxilia* are primarily associated with non-Roman citizens, it is important to remember that citizens could (and often did) serve in those corps as well.<sup>550</sup> As a consequence, since it is very difficult to ascertain the legal status of the soldiers serving in the *auxilia* or in the fleet, veterans from those corps should be considered as newly-enfranchised citizens only when their inscriptions explicitly commemorate their acquisition of the franchise, a rather uncommon occurrence. We are on firmer ground with military diplomas, personal copies of the imperial *constitutiones* which recognised the *honesta missio* of those soldiers who had served long enough to be discharged honourably, and which granted them a number of privileges and rewards.<sup>551</sup> Each of these extracts included a number of elements that served to identify the unit in which the soldier was serving at the moment of the achievement of the *honesta missio*, as well as the name of the recipient, his filiation, and usually his *origo* or city or region of provenance. In the

---

<sup>548</sup> Theoretically, Roman citizenship was granted to those peregrines and Latin citizens serving in the army upon attainment of the *honesta missio*, yet it is not uncommon for soldiers to serve past the years required to achieve the honourable discharge. For a discussion, see Holder 1980, especially 46-63.

<sup>549</sup> Lavan 2016, which will be discussed in greater detail below.

<sup>550</sup> For a list of reasons why citizens might serve as *gregales* in the auxiliary corps, see Holder 1980, 49-50. On the *auxilia* in general, see Spaul 1994 and 2000.

<sup>551</sup> On military diplomas, see Mann 1972; Eck and Wolff 1986; Roxan 1994.



surviving *diplomata militaria*, the majority of the veterans who had served in the *auxilia* are identified by a peregrine name, usually a *simplex nomen* followed by the name of the father in the genitive – for example Glavus Navati f(ilius), a Pannonian from Sirmium.<sup>552</sup> The way in which the diplomas record the onomastics of the recipients offers interesting parallels with the document of enfranchisement of the Hispanic knights belonging to the Salluitan squadron dated to 90/89 BC, which I have discussed above.<sup>553</sup> In both cases, the soldiers granted Roman citizenship were indicated through their older peregrine name, and not their new Roman onomastic: this continuity of practice seems to suggest that, to an extent, the document with which Pompey granted Roman citizenship to his Hispanic retainers might have been one of the blueprints for the *diplomata* issued in imperial times. Together, both the diplomas and Pompey's grant offer confirmation that, since at least Republican times, it was customary, in Latin epigraphy, to indicate the condition of peregrines by mentioning their *simplex nomen* (or *duo nomina* at most) followed by their patronymic, which I shall call 'peregrine' filiation. Since this 'peregrine' filiation was modelled on the *simplex nomen* of one's father – and not on the *praenomen* as the 'Latin' one – the resulting onomastics would have been very different from the naming practices adopted by Roman citizens, and the two filiation formulas would have been interpreted in different ways accordingly. However, a fair number of military diplomas were issued to veterans of the *auxilia* who were in possession of the *tria nomina*. Some of these soldiers might have been Roman citizens already upon enrolment,<sup>554</sup> yet the majority of them appear to have been peregrines (or Latin citizens).<sup>555</sup> Upon closer inspection, it is evident that the great majority of these veterans in possession of the *tria nomina* are indicated in their diplomas with a filiation of the 'peregrine' type – for example M(arcus) Antonius Timi f(ilius) Timus, from Hierapolis.<sup>556</sup> The onomastic of these soldiers provide further evidence that non-Roman citizens could adopt Roman naming practices, especially those serving in the army or the fleet: after all, a papyrus sent by the Egyptian sailor Apion to his father Epimachus reminds us that his name had been

---

<sup>552</sup> RMD I, 21.

<sup>553</sup> See n. 526 above.

<sup>554</sup> Roman citizenship was only one of the privileges attained by those soldiers who achieved the *honesta missio*. Other rewards included some form of fiscal *immunitas*, and *conubium* with any free woman. These advantages might have been enough for a soldier who was already in possession of Roman citizenship to still request a personal diploma. See also n. 559 below. On the *ius conubium* conferred to veterans, see Phang 2001.

<sup>555</sup> From an onomastic point of view, the categories of peregrine and Latin citizen are virtually indistinguishable. For a more thorough discussion of this issue, see Chapter II.

<sup>556</sup> CIL XVI, 67.

changed to Antonius Maximus on his arrival at Misenum.<sup>557</sup> Yet, the fact that peregrine soldiers whose names adhere to Roman conventions are indicated in their diplomas with filiation does not challenge the argument that, in a Roman name, 'Latin' filiation by *praenomen* was conventionally interpreted as a sign of descent from a Roman citizen. As we have seen, since at least Republican times, it was conventional to include the (peregrine) filiation of the recipient in those documents that conferred citizenship to a peregrine veteran, and imperial *diplomata militaria* clearly adhered to that practice even in those cases when the soldier might have adopted a Roman name. Furthermore, a comparison of the diplomas issued to peregrines serving in the *auxilia* with those of the veterans of the *cohortes praetoriae* offers another suggestion that the 'peregrine' filiation included in the *diplomata* of the formers conveyed a meaning profoundly different from the conventional 'Latin' one. In fact, while the filiation employed for those peregrine veterans who adopted Roman names is still of the 'peregrine' type,<sup>558</sup> the filiation included in the onomastic record of those soldiers who were already in possession of Roman citizenship is the traditional 'Latin' one, modelled on the *praenomen* of one's father. Moreover, the diplomas issued to Roman citizens frequently recorded also the voting tribe of the recipient.<sup>559</sup>

To an extent, as legal documents, military diplomas followed their own set of rules and conventions; yet, the different treatment of filiation formulas in the *diplomata* (according to the legal status of the recipients) reinforces the impression that, in Latin epigraphy, 'peregrine' filiation and 'Latin' filiation by *praenomen* carried distinct meanings, and that the latter was conventionally reserved only to the sons and daughters of a Roman citizen. This hypothesis is further corroborated by an inscription dedicated to Septimius Severus in AD 194 by some of the veterans of the Legio II

---

<sup>557</sup> BGU 423. Other cases are discussed in Holder 1980, 55-6.

<sup>558</sup> Very rarely, *diplomata* were issued to individuals bearing the *tria nomina* and a 'Latin' filiation, who cannot, however, be recognised beyond any doubt as Roman citizens, since the diploma does not include a record of the voting tribe. However, while the possibility that some of these veterans might have been peregrines cannot be discounted entirely, some of them are likely to have been Roman citizens. For reference, see the diploma issued in AD 193 to Titus Flavius T(iti) f(ilius) Titianus, who was serving in the coh(ors) I Mont(anorum) eq(uitum): RMD V, 447. Titianus was from the *municipium* of Bassianae in Pannonia, and the fact that he was serving in the *auxilia* does not necessarily imply that he was a peregrine, as we have seen. The impression is further strengthened by the language adopted by the diploma itself, which states that '[...] c[on]v[er]sitatem Romanam [q]ui eor[um] non ha[be]rent dedit et conubium cum uxori(us) qu[a]s tunc hab[ui]ssent cum est civitas iis data aut cum i(i)s quas post(ea) / duxissent dumtaxat singulis [...]'. The formula 'qui eorum non haberent' indicates that some of the recipients of this *constitutio* might have been Roman citizens already.

<sup>559</sup> For reference, see CIL XVI, 95.

Traiana Fortis, stationed in Alexandria.<sup>560</sup> Although the monument is fragmentary, the names of several soldiers belonging to different *centuriae* are still preserved; and while the onomastic record of the majority of the veterans included their filiation (by *praenomen*), voting tribe and city of provenance, the filiation of five of the soldiers is omitted, while their voting tribe is given. Interestingly, these five veterans share the same *praenomen* and *nomen*: Marcus Aurelius. Therefore, it can be suggested that these soldiers had been given the Roman franchise by either Marcus Aurelius or Commodus, possibly to facilitate their transfer from the *auxilia* to a legion. In any case, the inclusion of their voting tribe testifies that these veterans were in possession of Roman citizenship; and the fact that their names are recorded without filiation, while that element was instead included in the onomastic of all their fellow soldiers again suggests that, as first-generation citizens, the five *Marci Aurelii* had been unable to employ filiation. Once more, there are obvious parallels with the inscriptions dedicated by the magistrates of a civic community of Latin right to commemorate their acquisition of the Roman franchise, who had equally omitted their filiation while including a record of their voting tribe.

Moreover, a further suggestion that filiation probably indicated descent from a Roman family can be gleaned through an analysis of the onomastic conventions adopted by several emperors, which appear to have followed re-adaptations of 'regular' status indicators.<sup>561</sup> Thus, ever since the deification of Caesar, his adoptive son – the future Augustus – had been able to boast a unique filial connection, which he soon started to commemorate in inscriptions: he, alone, was *divi f(ilius)*.<sup>562</sup> There is no doubt that being able to claim (adoptive) descent from a *divus* helped Octavianus to strengthen his position; yet, despite the exceptional nature of the claim, Augustus' filiation in no way departed from the usual onomastic conventions: Caesar, after all, was his adoptive father. Similarly, Tiberius's filiation – *divi Aug(usti) f(ilius) divi Iuli n(epos)*,<sup>563</sup> while highlighting his connection not only with his predecessor, but also with the

---

<sup>560</sup> CIL III, 6580. The inscription is given in full in Appendix V.

<sup>561</sup> The present study will be restricted to an analysis of those inscriptions monumentalising the names of the emperors from Augustus to Alexander Severus only. The systematic adoption of the title 'Caesar' for the heir apparent in the monuments set up from the so-called 'Third Century Crisis' onwards resulted in the creation of new titling practices that cannot be examined to shed light on the matter at hand, the conventional meaning of filiation. For a discussion of the 'Crisis', see Watson 1999, who focuses especially on Aurelian; Harries 2012, especially 1-24; Dmitriev 2004. On new titling emerging in the 3<sup>rd</sup> century AD, see Mennen 2011, 21-48; Peachin 1990.

<sup>562</sup> AE 1966, 73

<sup>563</sup> CIL VI, 903.

deified Caesar, still adhered to well-honed Roman practices: in the consular *fasti*, the filiation of a consul usually recorded both the *praenomen* of his father and that of his paternal grandfather.<sup>564</sup> The practices had to be re-elaborated slightly for Caligula, whose filiation now stretched to include a mention of his great-grandfather: *Germanici Caesaris f(i)lius Tiberi Caesaris Aug(usti) n(epos) divi Aug(usti) pron(epos)*.<sup>565</sup> While Germanicus had never been emperor himself, he had been adopted by Tiberius following the request by Augustus; therefore, through his father, Caligula could still stress his descent from Augustus – who was Caligula’s biological *and* adoptive great-grandfather – while also being able to claim an unbroken line of imperial succession. When Claudius ascended to the throne, his new imperial name retained the filiation he had been using his whole life: he was *Drusi (Germanici) f(i)lius*.<sup>566</sup> Claudius was the first – and last – emperor to include in his filiation the name of a man who had not been emperor before him, or who had not at least been adopted by an emperor and invested with *imperium*, like Germanicus. Claudius’ choice to retain his original filiation is not surprising: through his father, he was able to claim a faint connection with Augustus, which he otherwise lacked.<sup>567</sup> Drusus had been a popular general, and although he had never been formally adopted into the *gens Iulia*, he was loved by Augustus, and rumors circulated that Drusus had been his illegitimate son – although they were probably not taken seriously.<sup>568</sup>

There is no doubt that the accession and death of Nero both marked crucial turning points in the re-elaboration of the meaning attributed to imperial filiation. By combining – in a rather unorthodox way – his adoptive ties to Claudius with the bundle of biological and adoptive relationships inherited through his mother Agrippina, Nero was able to forge a filiation that stretched to include his great-great-grandfather: he was *divi Claudii Aug(usti) filius Germanici Caesaris n(epos) Tiberi Caesaris Aug(usti) pron(epos) divi Aug(usti) abn(epos)*.<sup>569</sup> Once again, the inclusion of Germanicus in his filiation was instrumental: through him, Nero could claim an almost uninterrupted

---

<sup>564</sup> For a few example of the *fasti Capitolini*, see: AE 1900, 83; 1904, 114.

<sup>565</sup> CIL II, 4716. For the only Republican precedent to include a *proavus* in the filiation of a (local) magistrate, see: CIL XIV, 375.

<sup>566</sup> CIL V, 6416. For an example of Claudius’ filiation after his imperial accession, see: AE 1994, 287.

<sup>567</sup> Additionally, Claudius sought to strengthen his claim by celebrating his familial ties with his brother Germanicus, his mother Antonia and his grandmother Livia, whom he deified. Levick 2015, 53.

<sup>568</sup> Suet. *Claud.* 1; Suerbaum 1980, 345.

<sup>569</sup> CIL II, 4884.

transmission of imperial powers from Augustus, and an adoptive line of descent from the first emperor that was almost completely through the male line, as opposed to his biological relationship to Augustus, which ran exclusively through maternal lines. Nero's convoluted filiation was likely an attempt to claim descent from Augustus, while at the same time highlighting a line of imperial succession that included three of the four previous rulers, and sprang from the first emperor himself. The fact that the resulting filiation was an artifice, and that there was no real line of transmission of the *imperium* – except from Claudius – was probably of little importance.

It is evident that, already following the death of Nero, the interpretation of imperial filiation as a sign of descent from a previous ruler had become canonical. There are only a handful of monuments commemorating Galba, Otho and Vitellius, and in most cases the inscriptions are extremely fragmentary; however, judging from the surviving evidence, none of the three incorporated filiation in their imperial name,<sup>570</sup> not even the one they had probably used before their accession, as Claudius did.<sup>571</sup> The same is true for Vespasian, whose imperial name – much more documented – equally lacked the same element. However, with the accession of Vespasian the adoption of filiation resumed in the onomastics of his sons, Titus and Domitian, who used it freely already during their father's reign – usually in the form of *Augusti f(ilius)* –<sup>572</sup> and changed it accordingly after his death and deification.<sup>573</sup> With the assassination of Domitian, and the establishment of a new (adoptive) dynasty under Nerva, the process began anew: Nerva's imperial name did not include any form of filiation, but his successor Trajan had his name recorded as *divi Nervae f(ilius)*.<sup>574</sup> From that moment onwards, with the accession of a new emperor, his immediate predecessor's name would be added to the ever-growing imperial filiation, which would come to

---

<sup>570</sup> For Galba, see: CIL X, 7117 - a well-preserved military diploma; Otho: CIL XI, 7852 - extremely fragmentary.

<sup>571</sup> It has been observed by Hekster that Galba was responsible – in the long run – for turning the name Augustus, which in many ways had been a Julio-Claudian dynastic *cognomen*, into a title that identified the imperial prerogative, regardless of whether the bearer could claim a direct connection with Augustus himself. However, in Hekster's opinion, Galba's decision was still motivated by his desire to 'forge' a connection with the Julio-Claudian dynasty: Hekster 2015. If that is true, Galba might have decided to omit his filiation from his imperial name to avoid conflicts with his claim of being related to the Julio-Claudians, thereby setting a precedent that would be followed by other emperors.

<sup>572</sup> CIL VI, 31538c: the inscription honors both Vespasian and his son Titus; the former lacks filiation.

<sup>573</sup> See AE 1974, 401. The inscription honours Titus and Domitian together; they are both recorded as 'divi Vesp(asiani) f(ilius)'.

<sup>574</sup> Nerva: AE 1991, 66; Trajan: AE 1999, 316.

include five distinct generations by the reign of Commodus: he was *divi Marci Antonini Pii Germanici Sarmatici f(ilius) divi Pii nep(os) divi Hadriani pron(epos) divi Traiani Parthici abn(epos) divi Nervae ad(nepos)*.<sup>575</sup>

After Commodus' demise, Septimius Severus continued the line of filiation that had been established by Trajan, no doubt to reinforce his claim of having been posthumously adopted by Marcus Aurelius. Yet, it should be noted that in those (few) inscriptions commemorating Severus which were set up before his claim of being the adoptive son of Marcus Aurelius, no filiation is given,<sup>576</sup> precisely as it had been the case for every other founder of a new dynasty. After Severus' self-adoption into the Nervan-Antonine dynasty, all the other members of the Severan house continued to follow the traditional imperial filiation practice, with the sole exception of Alexander Severus. Although he had been adopted by his cousin Elagabalus – who in turn had claimed to be the son of Caracalla –<sup>577</sup> in the epigraphic evidence inscribed under his reign, he presented himself as the son of Caracalla directly. It is possible that, after his accession, Alexander had resorted to yet another fictitious adoption not otherwise documented in the literary sources.<sup>578</sup>

Turning our attention to those emperors who failed to establish an alternative dynasty after the deaths of Commodus and Caracalla, it is important to note that neither Pertinax nor Macrinus had included filiation in their imperial name: neither of them could boast a real filial connection with an emperor, and did not manage to forge a fictitious one.<sup>579</sup>

Imperial filiation and 'regular' filiation embodied profoundly different meanings, and served equally different purposes; yet, some parallels can still be drawn between the two onomastic elements. In particular, there are inherent similarities between the inscriptions commissioned by Aurelius, Novatus and Niger – three newly enfranchised Roman citizens – and the epigraphic evidence for Vespasianus and Nerva, and the

---

<sup>575</sup> CIL VI, 992.

<sup>576</sup> For example, CIL III, 6580. For a study of Severus' imperial name and titling in the very first years after his accession, see Hekster 2015.

<sup>577</sup> On the adoption of Alexander Severus: Hdn. 5.7; Elagabalus claiming to be the son of Caracalla: Hdn. 5.5.

<sup>578</sup> AE 1988, 598. Note, however, Alexander's filiation in a military *diploma* of honorable discharge issued during the reign of Elagabalus, AE 2011, 51: 'Imp(eratoris) Caes(aris) M(arci) Aureli Antonini Pii Felicis Aug(usti) fil(ius) divi Antonini Magni Pii nep(os) divi Severi Pii pron(epos)'.

<sup>579</sup> CIL II, 5128; AE 1996, 1248.

emperors who failed to establish a lasting dynasty. The three former *duoviri* were likely the first members of their family to acquire the Roman franchise, precisely as Vespasian and Nerva had been the first rulers of a new dynasty to ascend to the purple: neither the three new Roman citizens nor the founders of the Flavian and Nervan-Antonine dynasties recorded their filiation in inscriptions. The similarities are even more striking when comparing the monument commissioned by Faustus and Faustinus with those where Vespasian and Titus were celebrated together: in both cases, filiation is absent in the onomastic record of the father, yet it is present in that of the son. Thus, rather than conveying an entirely original meaning, the purpose given to imperial filiation – a declaration of descent from the previous ruler – appears to have been a natural re-elaboration of the role attributed to ‘regular’ filiation in Latin epigraphy, where it seems to have been conventionally assimilated to an indication of descent from a Roman individual. After all, despite Pliny’s reassurances that the *optimus Princeps* was a citizen among citizens,<sup>580</sup> the status of no Roman subject was comparable to that of the emperor, much in the same way as the condition of a *peregrinus* was not commensurate with Roman citizenship. Therefore, it does not surprise that, upon accession, those emperors who could not claim descent from a previous ruler wanted to leave their original filial ties behind, exactly like first-generation citizens appear to have (usually) abandoned their peregrine filiation.

The epigraphic evidence examined so far monumentalised the names of individuals of the most different legal and social conditions. Yet, despite the varied nature of the evidence, the inscriptions appear to conform to specific patterns regarding the use of status indicators. It is precisely the degree of homogeneity as to how – and when – the different status indicators were employed that strongly suggests that, in Latin epigraphy, filiation was conventionally interpreted as a sign of descent from a Roman family, at least in imperial times. However, the present study does not advocate the idea that, whenever examining an inscription, the inclusion of filiation in names adhering to Roman conventions should be automatically interpreted as a sign that the individual in question belonged to a Roman family, or even that he or she was in possession of the Roman franchise. Yet, establishing what meaning filiation might

---

<sup>580</sup> The idea that Trajan was a citizen among citizens can be found throughout the whole *Panegyricus*, but it is especially noticeable in Plin. *Pan.* 2.3: ‘Nusquam ut deo, nusquam ut numini blandiamur: non enim de tyranno, **sed de cive**; non de domino, sed de parente loquimur.’ For a recent interpretation of the *Panegyricus* as a ‘myth’ incorporating beliefs on Trajan as *princeps* that citizens wanted to believe, see Formisano 2008, 592-3; see also Connolly 2009, 259-78.

have held in *Roman* epigraphic practices, and whether its use was restricted to specific (legal) categories or not, has tangible consequences for the study of *incerti* in Latin epigraphy. If, in names adhering to Roman onomastic practices, filiation was conventionally interpreted as an indication of descent from a Roman citizen, and thus restricted accordingly, then it is evident that the limitation would have prevented a significant number of individuals, who otherwise made use of the epigraphic medium, from employing that particular onomastic element altogether.

It has been argued by some scholars that the Romans were particularly liberal with their policies of enfranchisement: according to some influential thinkers, Roman citizenship had become widespread by the beginning of the 3<sup>rd</sup> century AD, so much that the *constitutio Antoniniana* would have ultimately been of little consequence.<sup>581</sup> The view has been called into question several times; but most of the studies which have tackled the issue have shied away from providing a rough estimate of how many non-enfranchised individuals lived within the Empire pre-AD 212, while ultimately still making a convincing case that Roman citizenship was not as common as previously thought.<sup>582</sup> In a recent publication, Lavan has put forward a new model for the study of the proportion of Roman citizens within the population residing in the provinces; the model is based on quantitative methodology, and takes into account the different mechanism of enfranchisement, weighted proportionately to their likely impact.<sup>583</sup> According to Lavan, on the eve of the *constitutio Antoniana* only up to 33 per cent of the individuals living in the provinces were in possession of the Roman franchise – with the most likely estimate being, however, around 22 per cent.<sup>584</sup> It is also important to note that, in the model proposed by Lavan, the proportion of Roman citizens in the provincial population starts at 6 per cent in AD 14, and only gradually reaches the ‘final’ figure.<sup>585</sup>

The reason behind such a moderate growth must be found in the *real* impact that the varied mechanisms of enfranchisement had on society as a whole, as opposed to the

---

<sup>581</sup> For example, Sherwin-White 1973; Spagnuolo Vigorita 1993. For a more in-depth discussion, see Lavan 2016, 4-6.

<sup>582</sup> Salway 1994; Garnsey 2004; Jacques and Scheid 1990. Again, for a more in-depth discussion, see Lavan 2016, 6-8.

<sup>583</sup> Lavan 2016.

<sup>584</sup> Lavan 2016, 16; 31-2.

<sup>585</sup> The model adopts a starting point Brunt's estimate of circa 2 million Roman citizens in the provinces in AD 14: Brunt 1971, 265.



value they held ‘on paper’.<sup>586</sup> I have argued in the previous chapter that Latinity, and *Latium minus* especially, were probably not wide routes to Roman citizenship, despite having the potential of enfranchising several hundred individuals every year, a view that Lavan holds as well.<sup>587</sup> It was not infrequent for a magistrate to serve for more than one term; and it is safe to argue that the sons and grandsons of a former magistrate – now Roman citizens – would have continued to compete for the same local magistracies held by their relatives. Therefore, in any given year, the likelihood that *all* of those who served as the magistrates of a civic community of Latin right were actually Latin citizens decreased over time. As a result, *Latium minus* would have become an increasingly less effective route for promoting Latin citizens to the Roman franchise, as the chances that some of the serving magistrates would have been already in possession of Roman citizenship at the time of their election likely increased with each generation. Indeed, the present chapter has shown that the inscriptions celebrating the acquisition of the Roman franchise through holding office in a civic community of Latin right are exceedingly rare: this might not be a coincidence. And while the monuments that included the voting tribe of a former magistrate but omitted his filiation – a likely sign of recent enfranchisement – are more numerous, they are still a fraction of all the magisterial epigraphic evidence. Even taking into account epigraphic habits and accidents of preservation, the surviving evidence seems to suggest that a significant number of magistrates of civic communities of Latin right were Roman citizens already before they took office.

Yet, the second chapter of this thesis has also established that Latin citizens and peregrines alike – who constituted the majority of the population in the provinces – not infrequently adopted Roman onomastic conventions, even if they did not enjoy the Roman franchise. Therefore, if they were somehow unable to use filiation by *praenomen* in a conventional way, Latin citizens and peregrines who adhered to Roman onomastic practices would have inevitably increased the expanding number of those who, in a Latin inscription, appeared as *incerti*. Equally, those first-generation citizens who did not include a record of their voting tribe in their inscriptions – or could not, as in the case of women – would have appeared as *incerti*, if filiation was conventionally reserved only to the sons and daughters of a Roman citizen. In short,

---

<sup>586</sup> Lavan 2016: 10-5 sketch the different mechanisms of enfranchisement; 15-31 adapt them to the quantitative model.

<sup>587</sup> Lavan 2016, 11. His calculations take also into account Hopkins’ study on the succession rates of inner elites in Republican times: Hopkins 1983, 31-118.

it is possible that only a minority of the men and women who used Latin epigraphy as a medium of expression could include their filiation in their onomastic record. Therefore, the significant increase of *incerti* in imperial inscriptions might have been determined not only by a change in the importance attributed to status indicators, which has been documented in the previous chapter, and which would have come into play especially for those inscriptions commissioned by second-generation Roman citizens. It might have *a/so* been consequence of the intrinsic limitations of the epigraphic medium itself, which might have prevented specific legal categories from using certain indicators (for example libertination for Junian Latins, and filiation for non-Roman freeborn individuals).

However, before drawing a conclusion on the topic of filiation and *incerti* presented already in the previous chapter, I will attempt to reconstruct the evolution of the use of status indicators in earlier Republican Latin epigraphy, to provide a wider context in which to appreciate yet more fully the semantic meaning that filiation might have acquired in later times.

### III: Libertination and filiation in mid-Republican Latin epigraphy

Use of patronym was a common feature onomastic of most cultures attested across ancient Italy, although in some societies it was occasionally replaced by a patronymic adjective, for example among the Etruscans and the Faliscans.<sup>588</sup> As a comparative study of the surviving inscriptions set up by the ancient peoples speaking the various Italic languages shows, Latin epigraphy and Late Faliscan epigraphy are the only two epigraphic cultures to consistently employ a filiation formed by combining the abbreviated *praenomen* of one's father in the genitive case with an abbreviated form of the word *filius/filia*. In the epigraphic practices adopted by the speakers of the different languages belonging to the Sabellic group, the corresponding word for son and daughter was – as a norm – omitted from filiation, which usually consisted only in the abbreviated *praenomen* of one's parent in the genitive case.<sup>589</sup> The very few Sabellic inscriptions that included the word “son” in the filiation formula, while still remaining largely non-Latin, nonetheless appear to have been heavily influenced by

---

<sup>588</sup> Martha 1913, 113; Bakkum 2009, 232-3.

<sup>589</sup> For a few examples of filiation in Sabellic epigraphic cultures, see: Imlt Asisium 1, Umbrian epigraphy; Corfinium 1, Paelignian epigraphy; Cumae 3, Oscan epigraphy (variant from Cuma).

Latin practices (and written in the Latin alphabet),<sup>590</sup> or were set up at a late date, either shortly before the Social War or in the following decades.<sup>591</sup> In both cases, the word “son” is always a variation of *filius* (*fel* or *f.*), which was a Latino-Faliscan word, not a Sabellic one.<sup>592</sup>

Turning our attention to the Latino-Faliscan group, a study of the Faliscan epigraphic practices reveals that the Faliscans, much like their Etruscan neighbours, employed three distinct forms of filiation: the patronymic adjective, the simple *praenomen* of one’s parent in the genitive form, and a combination of the abbreviated *praenomen* of one’s father in the genitive form plus an abbreviation of the word son/daughter.<sup>593</sup> However, the latter is only attested for the first time in Middle Faliscan epigraphy,<sup>594</sup> where it is documented in a minority of inscriptions; it did indeed become the most common form of filiation – but not the exclusive one – only with the emergence of Late Faliscan epigraphy,<sup>595</sup> which flourished after the foundation of Roman Falerii Novii.<sup>596</sup> Therefore, the relatively late adoption of a Latin-like form of filiation in Faliscan inscriptions might have been partially the result of influences from practices already established in Latin epigraphy,<sup>597</sup> rather than a completely independent Faliscan development.

The characteristic inclusion of the word son/daughter in the filiation formula was not the only onomastic element that set Latin epigraphy apart from the rest of the neighbouring Italic epigraphic cultures. While both Etruscan and Faliscan inscriptions

---

<sup>590</sup> For reference, see Imlt, Sulmo 5; Marruvium 2; Calatia 7.

<sup>591</sup> For example: Imlt, Corfinium 3 and 32.

<sup>592</sup> Bakkum 2009, 185. For reference, see Imlt, Tuder 8; Marruvium 2. Superaequum 3. The same is true for Venetic inscriptions: for example, PID I, 117.

<sup>593</sup> Bakkum 2009, 231-2.

<sup>594</sup> Bakkum 2009, 231-5; it should be noted, however, that Bakkum considered the filiation formed by the *simplex praenomen* of one’s parent in the genitive form, and the one which combines of the abbreviated *praenomen* of one’s father in the genitive form plus an abbreviation of the word son/daughter, as different expression of the same way of indicating filiation.

<sup>595</sup> Bakkum 2009, 233-5.

<sup>596</sup> Bakkum 2009, 11.

<sup>597</sup> The earliest surviving Latin inscriptions to feature the filiation of an individual are dated to the beginning of the 3<sup>rd</sup> century BC (see CIL VI, 1284 for reference), which would correspond to the last decades of Middle Faliscan epigraphy – when the most common form of filiation in Faliscan epigraphic practices was still the simple *praenomen* of one’s father in the genitive case. However, the fact that only one form of filiation is attested in archaic Latin inscriptions, which all systematically included the abbreviation of the word *filius/filia*, strongly suggests that this formula had become the standard ‘Latin’ way of indicating filiation at some point before the beginning of the 3<sup>rd</sup> century, even if the current absence of relevant epigraphic evidence makes it impossible to demonstrate this speculative chronology.

– and perhaps even Venetic epigraphy – featured a terminology for indicating a freed individual,<sup>598</sup> Latin societies appear to have been the only ones to develop a specific onomastic convention for manumitted slaves, modelled on the onomastics of the freeborn, which was then ‘codified’ in Latin epigraphy. The resulting formula mirrored filiation to a degree, and combined the abbreviated *praenomen* of the patron in the genitive case – or a symbol, if the owner had been a woman – with the abbreviated word *libertus/liberta*; rarely, the *praenomen* of the former master could be replaced with his or her *cognomen*.<sup>599</sup> Libertination represents a feature unique to Latin epigraphy,<sup>600</sup> even if it also appears in a few Paelignian inscriptions from Corfinium written in the Latin alphabet, roughly dated between 100 and 50 BC, which were heavily influenced by the Latin language, and had been likely commissioned by Paelignian-speaking Roman citizens.<sup>601</sup>

Even in earlier Republican times, Latin epigraphy was never exclusive to Rome and its colonies: Rome was only one of the several state entities of Latin culture attested in ancient Italy. Unfortunately, the use of status indicators in Latin epigraphy is documented only in inscriptions dated from the beginning of the 3<sup>rd</sup> century BC. By then, with the dissolution of the Latin League, Rome was already in a position of hegemony in the whole of Latium. Thus, the relatively late chronology of the evidence does not allow one to understand whether the codification of status indicators in Latin epigraphic practices was essentially a Roman effort, which then spread to the rest of the Latin cities, or whether it arose from several distinct communities in earlier times. However, it should be noted that the significant degree of homogeneity in early Latin inscriptions from different sites in Latium indicates that, by the 3<sup>rd</sup> century BC, Rome and the rest of the Latin communities shared a number of common institutions and, therefore, similar social structures. Whether these common social features, which

---

<sup>598</sup> Capdeville 2002; Rix 1994; Bakum 2009, 236-7.

<sup>599</sup> For reference, see AE 1980, 134; CIL VI, 25650.

<sup>600</sup> It has been suggested that two Faliscan inscriptions, Bakum MF 155 and LF 221 respectively, might show an onomastic formula akin to Latin libertination. However, both inscriptions are extremely fragmentary, and their reading is so problematic that there is no consensus on their meaning among the experts on Faliscan epigraphy. As such, until the discovery of new and more decisive evidence, I hold that libertination was not a feature of Faliscan epigraphy. There are a few archaic inscriptions from Lucus Feroniae which feature libertination, for example CIL I, 2869a. While these documents are an expression of Capenate epigraphy, they were all inscribed after the Roman annexation of the *ager Capenas* and the inclusion of its territory in the tribe *Stellatina*. As such, they were commissioned by Roman citizens who spoke the Capenate dialect.

<sup>601</sup> Imlt, Corfinium 4; 12; 17; 22; 25.

inevitably shaped Latin epigraphic practices, were the result of ancient pan-Latin institutions, or had been adopted by the neighbouring Latin communities as a result of the political hegemony of Rome in 3<sup>rd</sup> century BC Latium, while a fascinating research topic, ultimately transcends the scope of the present study.

For present purposes, then, I shall argue that the most original features of Latin epigraphy – the adoption of libertination and the inclusion of the word *filius/filia* in the filiation formula – arose concurrently, as the result of the peculiar social structure of Rome and of the other Latin communities. Thus, although it is not possible to pinpoint exactly when the Romans (or the Latins) developed a set onomastic convention for their manumitted slaves, it must be noted that the earliest inscriptions mentioning freed individuals are dated roughly to the middle of the 3<sup>rd</sup> century BC, and all feature libertination.<sup>602</sup> The chronology is more or less consistent with the appearance of filiation in Latin epigraphy, which predates libertination by only two to four decades,<sup>603</sup> and the degree of homogeneity shown by the surviving evidence possibly indicates that the two onomastic conventions had been adopted and codified well before the surviving inscriptions had been set up.

It is not known when the institution of formal manumission – which conferred on a lawfully freed slave both personal freedom and citizenship – was introduced in Roman law.<sup>604</sup> However, according to Gaius, the Law of the XII Tables called the patron to the inheritance of his freedman's possessions only if he had died intestate.<sup>605</sup> The legal capacity of a freed individual to make a will recognised by Roman law implies that, already by the 5<sup>th</sup> century BC, manumission was a formal institution, and that lawfully freed slaves were endowed with Roman citizenship. Given the legal peculiarity of Roman society, it is possible that the inclusion of the word *filius/filia* in Latin filiation and the adoption of a specific libertination formula for freed slaves were both a consequence of the introduction of formal manumission.

---

<sup>602</sup> For a few examples, see CIL I, 136 and 2869a; CIL XIV, 3210 and 3247; AE 1983, 405; 1983, 404.

<sup>603</sup> Besides the already mentioned *elogium* of Lucius Cornelius Scipio Barbatus (CIL VI, 1284), see: CIL I, 67; 2450; 14, 3194.

<sup>604</sup> According to tradition, Servius Tullius was believed to be the first to grant citizenship to manumitted slaves: Dio 56.7.6. For a discussion, see Gardner 1993, 14.

<sup>605</sup> Gaius 3.40.

Assuming that the Romans had once employed the same filiation convention adopted by all their Italic-speaking neighbours (with whom they shared important cultural, onomastic and linguistic ties),<sup>606</sup> then it is evident that, after the introduction of formal manumission, leaving the filiation formula unchanged could have generated confusion. In a written document, adding to the *simplex nomen* of a slave the *praenomen* of his or her master in the genitive case – in order to denote ownership – would not have caused misinterpretation of the slave's legal condition. By contrast, the inclusion of the *praenomen* of the patron in the full onomastic record of a manumitted individual could have created uncertainty regarding his or her legal status, unless it was accompanied by a distinguishing word, such as *libertus/liberta*: freed slaves, like the freeborn, were in possession of the *duo* (or *tria*) *nomina*. Thus, it can be argued that it was probably the introduction of lawful manumission practices, and the resulting need to identify freeborn and freed individuals in an accurate way, what gave rise to the peculiar Roman onomastic conventions. If this interpretation is correct, then libertination and the amended 'Latin' filiation most likely served the immediate purpose of telling apart the legal status of the different members of the civic body. However, in identifying the different statuses, the new onomastic formula inevitably certified that the two categories, while not sharing the same legal condition, nonetheless belonged – as citizens – to the same civic community: the freeborn usually by virtue of being the sons and daughters of a Roman man, the freed having been lawfully manumitted by a Roman master.

Codified onomastic conventions for freeborn and freed individuals alike were not exclusive to Rome and the other centres of Roman right: libertination is consistently documented also in the archaic inscriptions from Praeneste and other Latin communities that did not receive the Roman franchise until after the Social War.<sup>607</sup>

---

<sup>606</sup> Bakum 2009, 233-5. The Romans, like many of their Sabellic neighbours and the Faliscans, used a number of *nomina gentilicia* that were remnants of archaic patronymic adjectives, such as *Marcius*, which derived from the *praenomen* *Marcus*. As such, I suggest that Latin epigraphy and the neighbouring epigraphic cultures might have originally employed the same filiation formulas (i.e. patronymic adjective and father's *praenomen* in the genitive case), even if there is no surviving evidence. Over time, both the Latins and the Sabellians will have abandoned the patronymic adjective, which survived among the Faliscans instead, while retaining the simple *praenomen* in the genitive case as the only filiation formula, to which the Latins will have added the word *filius/filia* at a later time. On Oscan epigraphy (although with very little focus on filiation formulas) see, more in general, McDonald 2015 and Zair 2015.

<sup>607</sup> For reference, see: CIL XIV, 3201; 3228; 3281; 3295. Note, however, that the inscriptions are much more numerous – more than thirty from Praeneste only. The abundance of the material implies that, in regard to manumission practices, non-Roman Latin communities featured institutions similar to the Roman ones.

The presence of libertination in the onomastics of freed individuals from these communities indicates clearly that manumission was a recognised institution even in centres of Latin right, whether they had shared it with Rome since earlier times or had adopted it after the Latin War, a matter that has not yet been raised by scholarship. Therefore, as at Rome, the civic body of the Latin communities comprised citizens who were in possession of the local franchise by birth, and citizens who had acquired the same franchise as the result of lawful manumission.

Obviously, among the freeborn citizens of Rome there could be individuals who, like the Sabine Atta Clausus and his *familiares*, acquired the Roman franchise after their birth.<sup>608</sup> Unfortunately, no recognisable first-generation Roman citizen is attested in Republican epigraphic evidence;<sup>609</sup> hence there is no way of knowing for sure if, during the Republic, (some) newly enfranchised Romans did not include filiation in their full onomastic record, as seems to have been the case in imperial times. However, between the 3<sup>rd</sup> and the 2<sup>nd</sup> centuries BC, the proportion of first-generation citizens in the Roman civic body was presumably low at any given time: as such, the great majority of the freeborn in possession of the Roman franchise must have been sons and daughters of Roman citizens. Thus, it is possible that filiation, which originally might have been a simple patronymic, at Rome and in the rest of the Latin centres slowly acquired an additional semantic layer; and that gradually, in these communities, the form of filiation codified in Latin epigraphy might have come to be conventionally interpreted as an indication of *descent* from a family in possession of the local citizenship, a concept that even ‘*Spurii* filiation’ would embody in later times. On the other hand, the various Sabellic epigraphic cultures never developed a status indicator equivalent to Latin libertination; and there is no evidence that, among the Sabellians, manumitted slaves acquired the local franchise. Given the lack of a need to clarify the status of free individuals, it is possibly that, for the Sabellians, filiation might have largely remained a patronymic indication.<sup>610</sup>

---

<sup>608</sup> Livy 2.16 Whether Atta Clausus was a historical figure or not, the episode narrated by Livy can be considered an indication that the Romans could occasionally grant citizenship to individuals and larger familial groups alike even before imperial times.

<sup>609</sup> The future *consul suffectus* for 40 BC, Lucius Cornelius Balbus – originally a notable from Gades – had been given Roman citizenship in 72 BC by Pompey, with some other members of his family, including his brother. Taylor (Taylor and Linderski 2013, 207), speculates that even Balbus’ father had been awarded the franchise. On Balbus’ citizenship, see also Cic. *Balb.*

<sup>610</sup> Of course, the Latin language and Latin epigraphy could both be adopted by Sabellic-speaking individuals; but it is a well-documented occurrence that the non-native users of a communication system do not always embrace in full the conventions of the community where

As the Roman state began to expand outside of Latium, the epigraphic conventions that had been codified in earlier times are likely to have become inadequate to portray accurately the status of every segment of Roman society. In particular, while the proportion of newly enfranchised citizens probably remained overall low compared to the rest of the expanding civic body, the creation of new colonies, and the grant of citizenship to communities and single individuals alike, nonetheless determined an increase in the numbers of first-generation Roman citizens. If filiation had come to indicate descent from a Roman family, then a growing number of newly enfranchised individuals might not have been able to use this particular onomastic element. Therefore, the emergence of a new status indicator in Latin epigraphy in the 2<sup>nd</sup> century BC – the record of the (Roman) voting tribe – might suggest that the Romans, by then, had already started to consider their epigraphic practices to be in need of revision.

The earliest example of the inclusion of the record of the voting tribe in an epigraphic document is offered by a Greek inscription, which details the s.c. *de Thisbaeis* – dated to 170 BC.<sup>611</sup> However, of the five names mentioned in the document, only one – M' Acilius M' f. Vol(tinia) – is recorded with the relative voting tribe. Since – at the time – there were two distinct branches of the *gens* Acilia in the senate, and both favoured the *praenomen* Manius, it has been argued by Mommsen that, in this particular text, the tribal affiliation had been included in the onomastic record of the witness as a way of identifying to which Acilian branch he belonged.<sup>612</sup> The systematic inclusion of the record of the voting tribe in the names of all the Roman citizens mentioned in legal documents became a standard practice around a decade later,<sup>613</sup> but the tribal affiliation started to be adopted consistently even in less official inscriptions only in the first decades of the 1<sup>st</sup> century BC.<sup>614</sup> The institution of the tribal system, however,

---

the system originates, whether unconsciously or by choice. For a more in-depth discussion of documented cases of adoption of Latin epigraphic practices in Sabellic civic communities, see Appendix VI.

<sup>611</sup> Syl<sup>3</sup> 646.

<sup>612</sup> EE I, 288; Taylor 1960, 185-6.

<sup>613</sup> Taylor and Linderski 2013, 168.

<sup>614</sup> In the absence of the reference to the consuls for the year, it is very difficult to otherwise date an inscription in an accurate way, not even to a decade. I have already discussed the *tabula* commemorating the grant of Roman citizenship to the Hispanic knights belonging the *turma Salluitana*, which is dated to 90/89 BC. Although it is not a *Senatus consultum*, the *tabula* is an expression of Pompey's *consilium* on the field, and hence a formal document. For



predated by several centuries the appearance of the voting tribes in inscriptions, with the creation of the first four – the urban ones – being attributed to Servius Tullius;<sup>615</sup> the number was then said to have been increased to 21 in 495 BC and, by 241 BC, the system had reached its definitive form, comprising 35 tribal entities. Given the antiquity of the institution, it is not entirely clear why the tribal affiliation started to be systematically included in legal documents only in the 2<sup>nd</sup> century BC, and in the rest of the epigraphic documents at an even later point. However, it could be argued that the systematic appearance of the record of the voting tribe in inscriptions might have been an attempt to introduce an onomastic element that, by virtue of being a personal expression of franchise,<sup>616</sup> could be employed by all Roman citizens, even those who might not have been able to use filiation otherwise. Moreover, being a quintessentially Roman innovation, the record of the voting tribe might have offered the additional benefit of telling Roman citizens apart from those Latins coming from non-Roman communities – like Praeneste – who, being nonetheless Latin speakers, adopted both the same onomastic conventions and the ‘Latin’ filiation used at Rome.

It is possible that, at Rome as in the rest of the Latin communities, filiation might have come to be gradually interpreted as a sign of filial relationship with a man in possession of the local franchise already at some point between the 3<sup>rd</sup> and the 2<sup>nd</sup> centuries BC, if not earlier. Yet, the idea that filiation, when included in a name adhering to Roman onomastic conventions, might have become assimilated to an indication of descent from a *Roman* family – as strongly suggested by imperial epigraphic evidence – must have been a later development, following the Social War. With the extension of Roman citizenship to the rest of peninsular Italy south of the Rubicon, and then to Cisalpine Gaul in 49 BC,<sup>617</sup> there was finally legal and political homogeneity between Rome and the rest of the old Latin communities.<sup>618</sup> All the inhabitants of those centres that had shared cultural and linguistic Latin ties since archaic times, and where Latin epigraphy had originated, were now Roman citizens.

---

early inscriptions of a less formal nature that still include a record of the voting tribe, see: CIL III, 7224; 7233 – both are conventionally dated between 130 and 70 BC.

<sup>615</sup> Livy 1.43.13; Taylor and Linderski 2013, 7.

<sup>616</sup> Since their institutions, every male Roman citizen – whether freeborn or freed – was enrolled in a tribe, as the tribal system played a key role both in the census and in the complex Roman electoral process. For a thorough discussion on the tribes under the Republic, see Taylor and Linderski 2013.

<sup>617</sup> Dio 41.36.

<sup>618</sup> The adjective ‘Latin’ here is not used to denote communities of Latin right, but rather to indicate those centres that were *culturally* Latin, such as Praeneste and the other members of the Latin League of old.

The same Roman franchise was enjoyed by all civic communities in peninsular Italy, whether culturally or linguistically Etruscan, Greek or Sabellic. It can be argued that the appearance of libertination in a few inscriptions from the territory of Corfinium – dated to the first half of the 1<sup>st</sup> century BC – represented an attempt to adapt Paelignian epigraphy to the new institutions of a nascent Roman civic community.<sup>619</sup> However, the innovation would not last long: in the decades following the Social War, Latin epigraphy gradually replaced every other Italic epigraphic culture. With the disappearance of the neighbouring epigraphic cultures, and their relative use of status indicators, the Roman interpretation of filiation would have become dominant in a matter of a few generations. Therefore, it is likely that – at Rome and wherever else Latin epigraphy was commonly used – ‘Latin’ filiation had come to be considered an indicator for descent from a *Roman* citizen, and not just a mere patronymic, already before the beginning of the Principate, which marks the moment when Roman epigraphic production began to increase significantly.

#### IV: Breaking epigraphic conventions

In the present chapter, the idea that different epigraphic practices had a *conventional* meaning has been a recurring concept. Latin epigraphy, as a medium of expression, was not regulated in an official way; rather, it employed a series of conventions to which those who commissioned inscriptions were expected to conform, mainly through the indirect pressure of the public. For example, Mommsen was the first to highlight that freedmen were conventionally prevented from indicating their tribal affiliation in inscriptions, even though – as citizens – they were enrolled in a voting tribe.<sup>620</sup> As counter-intuitive as this convention might seem, Mommsen’s observations are backed by hundreds of inscriptions listing the names of several different individuals, in which the tribal affiliation is only indicated in the onomastic record of the freeborn.<sup>621</sup> Yet, conventions could easily be broken, whether in a deliberate way or by accident. Therefore, it is not particularly surprising to find – among the inscriptions monumentalising the names of former slaves – a few examples of freedmen whose onomastic record included their tribal affiliation.<sup>622</sup> While some of these monuments had been commissioned by the freedmen themselves, some others

---

<sup>619</sup> Imlt, Corfinium 4; 12; 17; 22; 25.

<sup>620</sup> Mommsen 1887/8, III, 440-2.

<sup>621</sup> Just a few examples: CIL I<sup>2</sup>, 3283; VI, 1862; 7943; 23760; 26132.

<sup>622</sup> CIL I<sup>2</sup>, 3100b; CIL V, 2859; CIL VI, 16796; CIL X, 3850.

had been dedicated by relatives and friends; most – but not all – are *tituli sepulcrales*, which further indicates that the convention regarding the tribal affiliation could be relatively easily disregarded only in private inscriptions.<sup>623</sup> These (somewhat) isolated cases of freedmen displaying a tribal affiliation do not prove Mommsen wrong: on the contrary, they reaffirm the existence of a specific convention, while at the same time confirming that the convention could be broken – and indeed occasionally was. Much more surprising is the presence of the tribal affiliation in the funerary inscription that a woman from Mediolanum, Marcia M.f. Donata, commissioned for herself while still alive.<sup>624</sup> As a woman, Donata was not enrolled in a voting tribe, and she probably indicated an affiliation to the Oufentina simply because it was the tribe to which the territory of Mediolanum was assigned. The reasons why Donata attributed a voting tribe to herself must remain speculative; but it is possible that, through showing a tribal affiliation, Donata intended to reinforce the message that she indeed was a Roman citizen.

Sometimes conventions were broken not through the initiative of a single individual in particular, but by entire communities. One of the most emblematic cases of the phenomenon is offered by Thibilis in Numidia, a region where epigraphic production was particularly prolific – at least by provincial standards. There, the *tituli sepulcrales* of several women candidly indicated their affiliation to the Quirina, the local voting tribe.<sup>625</sup> It is evident that, at some point, the inhabitants of Thibilis had started to disregard completely the original meaning and purpose of the tribal affiliation: for many of them, it had become a mere indication of Roman franchise, which even female Roman citizens could claim; still, the practice was confined to funerary epigraphy. In other cases, local epigraphic practices led to the establishment of new conventions that replaced more traditional ones. For example, in the northern Meseta region in Hispania Citerior, it was customary to adopt a filiation formula in which the

---

<sup>623</sup> The *tituli honorarii* dedicated to a freedman for whom the tribal affiliation is given appear to have commissioned almost exclusively by private citizens or *collegia*. For reference, see: CIL V, 7485. However, there is an important exception: in some inscriptions dedicated by soldiers serving in the *cohortes vigilum*, the voting tribe might be recorded also for those *vigiles* who are *liberti*. The *cohortes vigilum* were the only branch of the Roman military that was open to freed individuals, and before recruitment was opened also to the freeborn, *vigiles* were selected only among manumitted slaves. For discussion, see Sablayrolles 1996, and Chapter I of this thesis.

<sup>624</sup> AE 1940, 25: Se viva / Marcia M(arci) f(ilia) / Donata / O(u)fentina Medi/olane(n)si comm/une ex{s} parte / tertia cum / Q(uinto) Pescennio Q(uinti) f(ilio) / et T(ito) Valerio T(iti) f(ilio) / Titullo

<sup>625</sup> A few examples: CIL VIII, 5540; 5555; 5556; 5575; 5585; 5587; 5608; 5621; 5622; 5624.

*cognomen* of the father substituted for the *praenomen*,<sup>626</sup> even in the onomastic record of individuals who probably belonged to Roman families.<sup>627</sup> While this alternative form of filiation is seldom attested even in other areas, including the city of Rome,<sup>628</sup> in northern Meseta it was as widely employed as the regular one, if not more.<sup>629</sup> The fact that this peculiar variant of filiation was placed between *nomen* and *cognomen* (or *nomen* and *tribus*), the position usually occupied by ‘regular’ filiation, might suggest that the innovation was an attempt to adapt the local peregrine patronymic to Roman onomastic conventions.<sup>630</sup>

Although probably none of these men and women attempted to usurp consciously a legal status that was not theirs, the examples discussed above show how easily epigraphic conventions could be broken. As such, they invite caution whenever attempting to reconstruct the legal condition of individuals based on onomastic elements only, even in the presence of status indicators – including filiation. Yet, despite the possibility that individuals could employ them in a less than appropriate way, knowing the meaning *conventionally* attributed to status indicators – and how they were used by the men and women who chose to adhere to Latin epigraphic conventions – can help provide a more articulate answer to the profound challenge offered by the *incerti*.

## V Conclusions

Whether slave or free, freed or freeborn, peregrine or Roman, every individual whose name is eternalised in a Latin inscription held a specific legal status (according to Roman law). Yet, scholarship is able to identify the condition of only a minority of the women and men commemorated in the epigraphic evidence; the rest of them – the

---

<sup>626</sup> For reference, see: CIL II, 2802; 2872; 5800; 6093; AE 1981, 548. ZPE 44, 115.

<sup>627</sup> For reference, see the epitaph of Lucius Pompeius Paterni f. Quir(ina) Paternus, dedicated by his sister Pompeia Paterna: CIL II, 2798. Paternus had died at a relatively young age – nineteen – and there are no indications that he had served as magistrate, nor that he had been granted Roman citizenship on a personal basis. He had shared the *cognomen* both with his father and with his sister Paterna; the onomastics of the two individuals strongly imply that they both were children of a Roman man, and that Paternus’ filiation was not a peregrine patronymic, but simply a filiation that employed the *cognomen* of his father, rather than his *praenomen*.

<sup>628</sup> For example, see the epitaph of Cornelia Gaetulici f. Gaetulica: CIL VI, 1392.

<sup>629</sup> On onomastic practices in the region of Meseta, see Curchin 1990 and 2004.

<sup>630</sup> Curchin 2015, 17.

vast majority – did not leave behind much more than their name: to the modern reader, they are *incerti*.

There is no doubt that personal choice played an important role in the decision not to include status indicators in an inscription, whether the choice was the result of a shift in the value traditionally attached to those onomastic elements, or simply a reflection of new epigraphic habits. Yet, several inscriptions and papyri with a marked public or legal nature show a clear pattern in the use of status indicators that cannot have been the result of personal choice alone. By comparing documents involving individuals of the most varied legal and social conditions – men and women of illegitimate birth, former Latin magistrates, newly enfranchised Roman citizens and members of the *domus Augusta* – the present chapter has shown that every status indicator adopted in Latin epigraphy likely conveyed a specific meaning. In particular, the evidence *strongly* implies that filiation, in a name adhering to Roman onomastic practices, was conventionally interpreted as a sign of descent from an individual who enjoyed Roman citizenship.

In the past decades, a significant current in scholarship has called into question the tenet that Roman citizenship was widespread even before the promulgation of the *constitutio Antoniniana*. According to a recent model, before Caracalla's universal grant of citizenship only up to 22-33% of the provincial population was in possession of the Roman franchise. Thus, it is evident that the majority of those who engaged with Latin epigraphy probably were not in possession of Roman citizenship. And if they had adopted the *dua* or *tria nomina*, they might not have been able to use traditional filiation altogether, if that onomastic element was conventionally interpreted as a sign of descent from a Roman individual. Those Latins and foreigners whose names did not adhere to Roman conventions usually included their peregrine patronymic in their onomastic record: since Republican times, that particular element had been traditionally employed in Latin epigraphy to indicate peregrine status, a practice that can be documented also in military diplomas. Yet, literary and epigraphic evidence alike suggest that Roman onomastic practices were not infrequently embraced even by those who did not enjoy the Roman franchise. As such, there is a possibility that some of those who appear as *incerti* in the epigraphic evidence might actually have been individuals who were prevented by convention from using filiation, simply because they were not sons and daughters of a Roman citizen. Thus, even

setting aside the considerations on the role played by personal choice in deciding whether to include or not status indicators in an inscription, which has been discussed in the previous chapter, it is evident that the modern term '*incertus*' might have equally applied to men and women of the most diverse conditions. First-generation Roman citizens, peregrines and Latin citizens who embraced Roman onomastic practices, and even Junian Latins and *dediticii* – as argued in the first chapter of this thesis – might have appeared as *incerti* in Latin inscriptions, simply because they lacked the linguistic diagnostic to indicate their status. If that is true, then the majority of the men and women living within the border of the Empire would necessarily appear to us as *incerti*. Thus, it can be argued that the legal statuses enjoyed by these individuals of undisclosed condition seem to have transcended the simple dichotomy of freed and freeborn Roman citizens that dominates the current scholarly debate.



## **CHAPTER V**

### Questioning the 'Social Revolution': the voting tribe of Ostia

#### I Introduction

In the onomastics of Roman citizens, affiliation to one of the four urban tribes – Palatina, Collina, Esquilina and Suburana – has long been considered, by a significant part of scholarship, a potential sign of servile descent. The assumption rests primarily on the literary evidence, which indicates – not without occasional ambiguities – that, throughout the whole Republican history, freedmen were systematically enrolled in the four urban tribes, despite the not infrequent attempts to redistribute them among the rustic ones as well. While it is not always possible to reconstruct in full the details of the reforms that sought to admit manumitted slaves into the rustic tribes, nor to identify their intended beneficiaries, it is evident that these reforms achieved only partial or temporary success.<sup>631</sup> As a consequence, it is certain that – at least since the age of Sulla –<sup>632</sup> freedmen were confined to the four urban tribes. Furthermore, there is no indication in the surviving sources that the restriction was ever lifted in imperial times; and still in the 50s of the 1<sup>st</sup> century AD, in his commentary to the 'pro Milone', Asconius was observing that the rustic tribes 'propriae ingenuorum sunt'.<sup>633</sup> At the same time, while there is little doubt regarding the restrictions imposed on freedmen, the literary evidence is altogether much less clear on the tribal enrolment of the freeborn sons of manumitted slaves. Although a few scholars have cautiously observed that the son of a freedman could, on occasions, secure enrolment in a rustic tribe,<sup>634</sup> many others have embraced the implicit assumption that the same limitation intended for manumitted slaves would often apply to their freeborn sons as well. As a result, the idea that the affiliation to an urban tribe could be considered a potential indication of recent – or not so recent – servile descent has in general become a tenet of contemporary scholarship.

---

<sup>631</sup> For a detailed overview of the different reforms that sought to enroll freedmen in the rustic tribes, and of the complex historiographical issues related to that particular topic, see Taylor and Linderski 2013, 132-49; and, especially, Treggiari 1969, 37-52.

<sup>632</sup> Treggiari 1969, 50.

<sup>633</sup> Asc., 52.

<sup>634</sup> Mommsen 1887/8, III, 443; and even scholars who tend to consider the Palatina a reliable indicator of servile descent: Gordon 1931, 68; Meiggs 1973, 191.



One of the first contributions to this theory appeared in a footnote to Frank's article on "Race Mixture in the Roman Empire", in which he simply stated that citizens enrolled in the Palatina were '[...] under strong presumption of being [descendants of] freedmen.'<sup>635</sup> Almost two decades later, a more elaborate reasoning on why affiliation to the tribe Palatina could be considered to '[...] infer servile descent with comparative confidence [...]' was offered by Gordon, in her seminal article on the "Freedman's Son in Municipal Life".<sup>636</sup> In order to support her thesis, Gordon foregrounded that the frequent appearance of the tribe Palatina in cities like Ostia and Puteoli had already been highlighted by Mommsen, and that, in these communities like elsewhere, it was '[...] commonly combined with other indications of servile origin [...]'.<sup>637</sup> Thus, Gordon concluded that there was '[...] nothing surprising in finding an unusual number of citizens 'libertini patre nati' in the two great ports of Rome'<sup>638</sup>, as implied by the significant presence of the tribe Palatina in the inscriptions from those communities.<sup>639</sup> The connection between servile descent and affiliation to one of the urban tribes was further explored by Taylor, first in her monograph on *The Voting Districts of the Roman Republic*,<sup>640</sup> and then more openly in her study on the epitaphs of imperial Rome, which sought to investigate the proportion of freedmen and freeborn in the *tituli sepulchrales* documented in the city.<sup>641</sup> Yet, since the great majority of the names recorded in the funerary inscriptions from Rome belonged to so-called *incerti*, individuals of undisclosed legal status, Taylor first had to scrutinise the onomastics of men and women alike according to a set of criteria largely inspired by Frank.<sup>642</sup> I have discussed various aspects of Taylor's study already in chapter three of this thesis. As I have also then already noted, one of these criteria was the affiliation to the urban tribes, which Taylor – like Frank and Gordon – again interpreted as a fairly reliable sign of servile origin, especially when coupled with the presence of one of a few other

---

<sup>635</sup> Frank 1916, 691, n. 3.

<sup>636</sup> Gordon 1931, 68.

<sup>637</sup> Gordon 1931, 68.

<sup>638</sup> Gordon 1931, 68.

<sup>639</sup> However, it should be noted that Frank, who himself considered the Palatina to be usually associated to servile origin, in his paper on "The People of Ostia" concluded, commenting on Gordon's study, that '[...] at Ostia the Palatina *tribus* was old and wholly respectable, and does not provide a criterion for classification [...]'. While Frank was somewhat more cautious than Gordon, he still did not challenge the core of her theory, and in fact conceded that 'Ostia's lists of magistrates and decuriones, [...] have an unusually large proportion that reveal libertine ancestry': Frank 1934, 487, especially n. 16.

<sup>640</sup> Taylor and Linderski 2013, 132-49.

<sup>641</sup> Taylor 1961.

<sup>642</sup> Taylor 1961, 115-6.

indicators, such as a Greek *cognomen* or an imperial *nomen*.<sup>643</sup> Taylor's remarkable conclusion was that the *tituli sepulchrales* from the city of Rome were dominated by freed slaves and by their immediate descendants.<sup>644</sup> Taylor's study was well received, and the criteria that she had adopted and perfected soon became the standard for ascertaining the legal status and social background of individuals mentioned in Latin inscriptions. In more recent years, the theory that the affiliation to the urban tribes – and to the Palatina in particular – could be considered a reliable indication of servile descent has been accepted by Garnsey, Eck, López Barja de Quiroga, Mouritsen and Lindsay – just to name a few,<sup>645</sup> and with each reiteration it has become an increasingly ingrained scholarly paradigm.

While the theory has important implications for the study of social history in every region of the Roman Empire, it has had an especially profound effect on the scholarly understanding of the makeup of the population of the cities of Rome, Ostia and Puteoli, as reflected by the inscriptional evidence.<sup>646</sup> At Ostia, in particular, the abundance of individuals belonging to the tribe Palatina has first been considered by Gordon as a sign of a 'peaceful penetration' of sons of freedmen in the upper strata of the local community,<sup>647</sup> and by Meiggs as an indication of more extensive demographic changes.<sup>648</sup>

The voting tribe of Ostia had long been identified by Mommsen as the Voturia; yet, in his comprehensive study on the city and its population, Meiggs noted that, from the 2<sup>nd</sup> century AD onwards, the majority of the epigraphic documents indicating a tribal affiliation mentioned the tribe Palatina, rather than the Voturia. Since most of the inscriptions in question related to the *decuriones* or other local notables, Meiggs interpreted this discrepancy as a sign that, at some point before the 2<sup>nd</sup> century AD, sons and descendants of freedmen had started to replace the older Ostian 'governing classes'.<sup>649</sup> In his opinion, the observation was further corroborated by the onomastics

---

<sup>643</sup> Taylor 1961, 117, n. 14.

<sup>644</sup> Taylor 1961, 128.

<sup>645</sup> Garnsey 1975; López Barja de Quiroga 1995; Eck 1999; Mouritsen 2004, 2005 and 2011; Lindsay 2009.

<sup>646</sup> For Puteoli, see D'Arms 1981.

<sup>647</sup> Gordon 1931, 70.

<sup>648</sup> Meiggs 1973 (2<sup>nd</sup> edition), 189-234. In the present study, I will refer only to the second edition of Meiggs' "Roman Ostia". However, it must be noted that Meiggs' study first appeared in 1960, and that there are only minimal variations between the two editions, especially regarding the chapters most relevant to the present topic.

<sup>649</sup> Meiggs 1973, especially chapters 10 and 11.

of the *decuriones* and magistrates who belonged to the Palatina, most of whom were given a Greek *cognomen*, or sported an imperial *nomen*. Equally importantly, Meiggs signalled that the few remaining individuals affiliated to the older Ostian *gentes* – once enrolled in the Voturia – were now in the tribe Palatina as well, no doubt because they belonged to secondary branches established by freedmen.<sup>650</sup> Overall, Meiggs considered the penetration of individuals of servile descent in the curial class of Ostia so pervasive that he described the phenomenon as a ‘social revolution’.<sup>651</sup>

Despite Taylor’s more cautious stance on the tribal affiliation of Ostia – following in part Kubitschek and Dessau, she had originally interpreted the Palatina as the city’s *secondary* voting tribe –<sup>652</sup> Meiggs’ fundamental idea that Ostia was home to a very sizeable community of freed individuals has become widely accepted. As a result, although the significance and dynamics of the ‘social revolution’ have been partially questioned or redefined by some, the social history of Ostia remains – to this day – firmly connected to its freedmen and their descendants.<sup>653</sup>

However, when taking a closer look at the inscriptional evidence from Ostia itself, interesting discrepancies with this dominant theory start to emerge, some of which had been previously noted by Gordon and Meiggs themselves, but not investigated in full. As will become apparent in what follows, these discrepancies call into question the very idea that, at Ostia, the preponderance of individuals enrolled in the Palatina is the reflection of a particularly sizeable community of freedmen and descendants of freedmen.

In order to advance this argument, I will re-examine the epigraphic evidence studied by Meiggs. But I will also add to this evidence the relevant inscriptions published at a later date, together with a number of documents involving military personnel from the city, which have yet to be discussed in-depth in relation to this particular topic. Furthermore, I will re-assess Mommsen’s observations on the tribal affiliation of sons

---

<sup>650</sup> Meiggs 1973, 191.

<sup>651</sup> Meiggs 1973, 196-208.

<sup>652</sup> Taylor and Linderski 2013, 322-3, which will be discussed in greater detail in the following pages: Taylor and Linderski 2013 is a reprint with addendum of Taylor’s study, originally published in 1960; See also Kubitschek 1889, 6; Dessau, introduction to the section of CIL XIV dedicated to Ostia, 4.

<sup>653</sup> López Barja de Quiroga 1995; Mouritsen 1997; Hackworth Petersen 2006; Tran 2007, especially 377-408; Verboven 2011.

and descendants of freedmen, which appear to be more nuanced than what was implied by Gordon, and consequently by Taylor. Although the present chapter will focus mainly on Ostia, I contend more broadly that the hypotheses put forward not only by Meiggs, but also by Gordon and Taylor, have been influenced by questionable methodological choices, and that – in essence – they rest on a circular argument. Thus, I will ultimately question the long-established idea that the affiliation to an urban tribe can be considered a *reliable* indication of servile descent, especially in the case of individuals from the cities of Rome and Ostia, and perhaps even Puteoli. To do so means to create a new basis for fresh approaches to the study of freed slaves in particular, and other status categories more generally.

## II The evidence itself

Writing the preface to the section of CIL XIV dedicated to Ostia, the editor Dessau observed that, while the city and its territory seemed to have been enrolled in the Palatina, the Voturia also appeared in a significant number of inscriptions, which were mainly connected to the local magistrates.<sup>654</sup> In the following year, in the third volume of his *Römisches Staatsrecht*, Mommsen concluded that the voting tribe of Ostia was indeed the Voturia, even if the Palatina was found '[...] so ausserordentlich häufig, dass hier besondere Umstände auf deren Erteilung eingewirkt haben müssen.'<sup>655</sup> Mommsen was not primarily concerned with investigating the reasons why the Palatina was so widespread at Ostia and Puteoli, but he still suggested that an explanation might be found in the influx of newly enfranchised Greek residents ('Griechen'), who might have been excluded from the local rustic tribes and enrolled in the urban ones instead. Their descendants would have kept the same tribe, thus increasing significantly the number of the individuals found in the Palatina in both port cities.<sup>656</sup> After Mommsen, the question was briefly addressed only by Nissen, who identified again the Voturia as the local voting tribe of Ostia, while stating that the Palatina had gradually gained prominence in the city as the number of freedmen increased over time.<sup>657</sup> Nissen did not provide any evidence in support of his

---

<sup>654</sup> Dessau, introduction to the section of CIL XIV dedicated to Ostia, 4.

<sup>655</sup> Mommsen 1887/8, III, 442.

<sup>656</sup> 'Es könnte zum Beispiel den Griechen, die mit dem Gemeindebürgerrecht dieser Städte das römische Bürgerrecht erworben hatten, oder auch deren Söhnen die örtliche Landtribus versagt worden sein': Mommsen 1887/8, III, 443.

<sup>657</sup> Nissen 1902, 569.

suggestion, which might explain why his theories seem to have gone largely un-commented by his contemporaries, and by the following generation of scholars.<sup>658</sup> Therefore, when Meiggs started to collect the material for his monumental monograph on Roman Ostia, the significant discrepancy in the distribution of the voting tribes in the inscriptional evidence from the city still had to be explained in full. Following Mommsen, Meiggs confirmed once more that the Voturia had been the original voting tribe of Ostia, yet he also argued that Dessau had been right in pointing out a difference in status between the individuals enrolled in the Voturia and those in the Palatina.<sup>659</sup> By the time Meiggs was writing, a number of influential scholars had come to regard the affiliation to an urban tribe as a potential sign of servile descent, and so he concluded that, even at Ostia, the Palatina could '[...] probably signify servile blood in the family, though not necessarily recent [...]'.<sup>660</sup> However, Meiggs also observed that sons of freedmen could occasionally secure enrolment in a rustic tribe, as shown by the inscription commissioned by the *decurio* Gnaeus Sergius Priscus, the son of an *Augustalis*, who belonged to the Voturia.<sup>661</sup> Similar considerations had been put forward earlier by Gordon, who had highlighted the '[...] curious fact that among decurions who are avowedly the sons of freedmen, the majority give a rustic tribe and none the tribus Palatina [...]'.<sup>662</sup> It is clear that Meiggs was aware of the presence of individuals of servile origin in both tribes, yet his chapter on "The Governing Class" of Ostia does not address the question further, and rather tends to consider implicitly most of the men enrolled in the Voturia as coming from families of free descent. On the other hand, those affiliated to the Palatina are *systematically* identified as immediate descendants of freedmen, or at best implicitly identified as belonging to a family of distant servile origin, even in the absence of any additional supporting evidence.<sup>663</sup> Yet, contrary to Meiggs' reconstruction, a closer inspection of the Ostian epigraphic corpus highlights important similarities in the demographics of the individuals belonging to both tribes, which strongly challenge the possibility that the enrolment in one or the other was primarily dictated by status or origin. However,

---

<sup>658</sup> There is no reference to Nissen's monograph either in Gordon's article (1931), or in Meiggs' study on Roman Ostia (1973), even if the explanation put forward by both scholars in regard to the significant presence of the Palatina at Ostia are very similar to the theory offered by Nissen.

<sup>659</sup> Meiggs 1973, 190.

<sup>660</sup> Meiggs, 1973, 191.

<sup>661</sup> Meiggs 1973, 191.

<sup>662</sup> Gordon 1931, 68.

<sup>663</sup> To offer just an example: 'M. Iunius M.f. Pal(atina) Faustus, who was *duumvir* shortly before 173, seems from his tribe and *cognomen* to be of freedman stock; a corn merchant, he was honoured with a statue by the African and Sardinian shipowners': Meiggs 1973, 209.

before comparing the two groups of inscriptions, it will be first necessary to examine each separately and in greater detail, to understand better the social background of the *tribules* of the Voturia and of the Palatina alike.

At present, the Ostian epigraphic corpus includes 27 published inscriptions that are related to individuals enrolled in the Voturia, and one additional document where an alternative spelling for the name of the tribe is given, which does not pose any particular problem of interpretation.<sup>664</sup> While four of these inscriptions celebrated the same man, the senator Marcus Acilius Priscus Egrilius Plarianus,<sup>665</sup> the remaining documents still commemorate a good number of different individuals, and often recorded their titles and the names of their closer relations. Thus, even if the epigraphic sample is not particularly extensive, it is still varied enough to be considered fairly representative of the wider social spectrum of the men belonging to the Voturia.

As Meiggs and Dessau had pointed out, the tribe was indeed associated with the Ostian curial class; besides the senator Plarianus, *duumvir* and *pontifex Vulcani*, the *tribules* of the Voturia included a few other senior local magistrates: Gaius Fabius Agrippa,<sup>666</sup> Gaius Tuccius,<sup>667</sup> Aulus Egrilius Rufus,<sup>668</sup> Marcus Naevius Optatus,<sup>669</sup> Gaius Silius Nerva and his homonymous son.<sup>670</sup> The list is further expanded when taking into account the names of those individuals who managed to attain only the minor magistracy of *aedilis*, the *decurionatus* or the *flaminatus*: Lucius Calpurnius Satorius,<sup>671</sup> Gnaeus Sergius Priscus,<sup>672</sup> Numerius Trebonius Civis,<sup>673</sup> and Melior, whose *nomen* and *praenomen* are unfortunately lost to a lacuna.<sup>674</sup> However, enrolment in the Voturia was not restricted to members of the governing class alone; the surviving evidence commemorates the names of at least nineteen *tribules* who

---

<sup>664</sup> CIL XIV, 230, where the tribe is indicated as 'Vet(uria)'.

<sup>665</sup> CIL XIV, 72; 4145, 4442; AE 1955, 170

<sup>666</sup> CIL XIV, 349.

<sup>667</sup> CIL XIV, 326.

<sup>668</sup> NSA 1953, 255.

<sup>669</sup> AE 2015, 254.

<sup>670</sup> CIL XIV, 415.

<sup>671</sup> CIL XIV, 415.

<sup>672</sup> CIL XIV, 412.

<sup>673</sup> CIL XIV, 5379 + AE 1986, 111; see also Cébeillac-Gervasoni and Zevi 2010, 163.

<sup>674</sup> NSA 1953, 297.

did not hold any office, and of another two men whose tribal affiliation was not given, but for whom enrolment in the Voturia is strongly implied by close familial relations.<sup>675</sup> As to be expected, and in keeping with epigraphic conventions,<sup>676</sup> all the Ostian individuals who showed affiliation to the Voturia were freeborn, but not all of them shared the same legal status with their parents. The observation that some of these *tribules* were sons of freedmen is not original: as we have seen, it had been first noted in passing by Gordon,<sup>677</sup> and later by Meiggs, who briefly discussed a couple of examples. In particular, Meiggs focused his attention on the cases constituted by Gnaeus Sergius Priscus and Gaius Silius Nerva, who both belonged to the curial class – the former as *aedilis* and *praetor Vulcani*, the latter as *duumvir* and *decurio*, and who both were sons of freedmen who had achieved the rank of Augustalis.<sup>678</sup> Despite the freed condition of their parents, both Priscus and Nerva were scions of affluent families, with sufficient means to secure the influential role of Augustalis for the *patres familiae*,<sup>679</sup> and especially a promotion to the curial class for the sons, which might at first explain their enrolment in the Voturia, rather than in the Palatina. More recently, Cébeillac-Gervasoni and Zevi have reconstructed the funerary inscription of Numerius Trebonius Civis: the boy had been equally enrolled in the Voturia despite being the son of the freedman Glenus, and had also been co-opted into one of the minor priesthoods of Vulcan.<sup>680</sup>

Yet, the admission of individuals of servile descent in the Voturia appears to be a more common phenomenon than what is implied by earlier scholarship, being in fact well attested in several surviving documents. To be more specific, when broadening the scope of the research to include inscriptions which commemorated individuals who did not belong to the upper strata of Ostian society, it becomes clear that, even among those men enrolled in the Voturia of humbler background, a few were sons of freedmen. Some of the inscriptions in question are mere lists of names, with minimal or no indications of the degree of kinship between the different individuals; yet

---

<sup>675</sup> C. Nerulanus M.f. Albinus, brother of M. Nerulanus M.f. Vot. Brutus (EpOst, 793); M. Baebius M.f. Rufus, son of M. Baebius M.f. Vot. Pappus (unpublished, but documented online by Clauss as EDCS 372, at <http://www.manfredclauss.de/>, last accessed on 26/02/2019).

<sup>676</sup> On the topic of *conventional* meaning attributed to status indicators in Latin epigraphy, see Chapter IV above.

<sup>677</sup> Gordon 1931, 68.

<sup>678</sup> Meiggs 1973, 191 and 204.

<sup>679</sup> Nerva was the son of C. Silius Epaphrae I. Felix (Maior?) (CIL XIV, 415; Priscus was the son of Cn. Sergius Cn.I. Anthus (CIL XIV, 412).

<sup>680</sup> CIL XIV, 5379 + AE 1986, 111; see Cébeillac-Gervasoni and Zevi 2010, 163

considering how these documents were put together, the servile background of a few freeborn men can be inferred with comfortable accuracy. Thus, there is little doubt that L(ucius) Fulvius L(uci filius) Vot(uria) Martiales was the son of L(ucius) Fulvius L(uci) et C I(ibertus) Hyla; and M(anius) Acilius M(ani) I(ibertus) Anteros was the father of Manius Acilius M(ani) f(ilius) Vot(uria) Restitutus.<sup>681</sup> Moreover, there are two other individuals whose fathers were members of the college of the *Augustales*, but who themselves did not manage to secure promotion to the curial class: M(arcus) Livius M(arci) f(ilius) Vot(uria) Iustus, son of M(arcus) Livius M(arci) I(ibertus) Nico;<sup>682</sup> and C(aius) Silius C(ai) f(ilius) Vot(uria) Lauro[---], son of C(aius) Silius Mo[---].<sup>683</sup> Other documents that are more ambiguous to interpret still record the names of a few *tribules* that were likely sons of freedmen: C(aius) Nasen[nius C.f.? V]ot(uria) Proculus, son of C(aius) Nasen[nius -- Agat]hyrsus;<sup>684</sup> L(ucius) Pinnius L(uci) f(ilius) Vot(uria) Fortis, son of L(ucius) Pinnius Valens and of his freedwoman Pinnia L(uci) I(iberta) Procula;<sup>685</sup> and Q(uintus) Vergilius Q(uinti) f(ilius) Vot(uria) R[---], who was the son of a freedman named Q(uintus) Vergilius, even if it is not altogether clear if his father was Hilarus, or one of the owners of the funerary monument – Amphius and Apollonius, themselves of freed condition.<sup>686</sup> A fourth man, Sabinus, has not been included in the present study because the inscription in question is too fragmentary to be interpreted safely, but the possibility that he too was the son of manumitted slaves should not be disregarded.<sup>687</sup> Finally, a document which mentions the brothers Anicetianus and Otacilianus – sons of the freedman C(aius) Vettius C(ai) I(ibertus) Anicetus, and both belonging to the *Voturia* – has been excluded from this particular sample for reasons that will become apparent in due course, upon discussion in greater detail.<sup>688</sup>

---

<sup>681</sup> CIL XIV, 1073.

<sup>682</sup> CIL XIV, 358.

<sup>683</sup> CIL XIV, 417.

<sup>684</sup> CIL XIV, 1395 and 5035; however, since the inscription is fragmentary, the status of Agathyrsus is unknown, and he might have been freeborn.

<sup>685</sup> CIL XIV, 4663. Valens is indicated as an *incertus*, but since he had freed Procula formally and he was recognised as the legitimate father of Fortis, he must have been in possession of Roman citizenship: he could have been either a freedman glossing over his status, or a first-generation Roman citizen. For the possibility that first-generation Roman citizens might not have been conventionally entitled to use filiation, see Chapter IV above.

<sup>686</sup> CIL XIV, 1748.

<sup>687</sup> CIL XIV, 1393.

<sup>688</sup> Lorient and Tran 2009; AE 2009, 190.



The inscriptions so far examined allow us to draw a series of important conclusions. At a superficial level, it is now clear that the number of men of servile descent among the *tribules* of the Voturia is more prominent than what was implied by Meiggs, a clarification which will prove useful when comparing these documents with those related to the Palatina. Yet, despite this preliminary observation, it is also evident that the number of individuals recorded in the surviving documents, regardless of their status and social standing, is too small to draw reliable estimates for the proportion of men of servile origin within the larger body of the members of the Voturia. Nonetheless, the presence of at least six known descendants of freed individuals among the *tribules* proves indisputably that access to the Voturia was not necessarily precluded to the sons of freedmen. A somewhat similar conclusion has already been put forward by Cébeillac-Gervasoni and Zevi, who, studying the inscriptional evidence related to the Voturia, observed that ‘anche i figli di liberti vengono iscritti nella tribù Voturia, il che obbliga a dismettere la teoria che la iscrizione nella tribù Palatina costituisca indizio di una *origo libertina* [...]’<sup>689</sup> While it offers an interesting departure from mainstream scholarship, this statement appears to be too generalised for the small sample of surviving inscriptions;<sup>690</sup> considering, moreover, how, *within the same study*, the two scholars then proceeded to interpret the majority of the Ostian men enrolled in the Palatina as individuals of servile descent,<sup>691</sup> their conclusions do not seem to be entirely coherent. However, even if it cannot be maintained for sure that the sons of Ostian freedmen were routinely enrolled in the Voturia, the presence of a fair number of first-generation freeborn individuals among the *tribules* indicates that the legal status of one’s parents had little consequence for his enrolment in a tribe. Perhaps even more importantly, the epigraphic sample suggests that social standing had no part to play in tribal affiliation either: among the sons of freedmen, it is not just the magistrates Priscus and Nerva who secured enrolment in the Voturia, but also

---

<sup>689</sup> Cébeillac-Gervasoni and Zevi 2010, 163.

<sup>690</sup> Although Cébeillac-Gervasoni and Zevi analysed an epigraphic sample very similar to the one investigated in the present study, their estimation of the number of individuals of servile descent enrolled in the Palatina is much higher, as a result of their particular methodology. To be more specific, Cébeillac-Gervasoni and Zevi considered even M’(anius) Acilius M’(ani) f(ilius) Vot(uria) Marianus as an individual coming from a servile family on the grounds of his relationship with his *contubernalis* Auscia M(arci) l(iberta) Euchenis (CIL XIV, 4761). In a similar manner, the two scholars identified the three generations of Iulii recorded in funerary inscription (CIL XIV, 1166) as descendants of freedmen (Rufus pater, Rufus filius, Rufus nepos and his brother Rufinus – all enrolled in the Voturia), simply because of their imperial *nomen*. However, I argue instead that no reliable indications of *origo libertina* can be found for these individuals, and I have accordingly excluded from the sample of the *tribules* of the Voturia who can be identified with certainty as descents of freedmen.

<sup>691</sup> Cébeillac-Gervasoni and Zevi 2010, 167.

Martiales, Restitutus, and other individuals who likely belonged to families of a more humble condition. Interestingly, the complex picture offered by the Voturia seems to reflect well Mommsen's often misinterpreted observations on the enrolment of sons of freedmen in the voting tribes: 'Der Sohn eines Freigelassenen tritt oft geradezu in die Landtribus des Patrons seines Vaters ein, aber häufig auch in die Palatina, seltener in die Collina.'<sup>692</sup>

The documents related to the *tribules* of the Palatina are much more numerous, and allow us to carry out a statistical analysis of the evidence, which is unfortunately precluded when studying those involving the Voturia. At present, the Ostian epigraphic corpus includes 70 published inscriptions that commemorated residents enrolled in the tribe,<sup>693</sup> to which we should add at least two further monuments related to individuals from Ostia who lived (and died) elsewhere, a military diploma from the reign of Heliogabalus, and a list of Ostian soldiers serving in the *cohortes urbanae*. Already at a first glance, it is evident that the documents related to the Palatina offer views on a good cross-section of Ostian society, at least in regard to the residents endowed with Roman citizenship. To be more specific, individuals enrolled in the tribe are attested at every level of the local aristocracy, and several of them served as *decuriones*, *flamines* or civic magistrates – including at least six *duoviri*.<sup>694</sup> Other local notables pursued a career in the imperial administration or even rose to the equestrian rank,<sup>695</sup> and three were offered the distinguished title of *patronus coloniae*,<sup>696</sup> including the jurist and *praefectus Aegypti* Lucius Volusius Maecianus, who might be considered one of the most distinguished Ostians enrolled in the Palatina.<sup>697</sup> In the

---

<sup>692</sup> Mommsen 1887/8, III, 443.

<sup>693</sup> I have included in the sample CIL XIV, 354, which was found in the area of the Isola Sacra, a few miles north of Ostia.

<sup>694</sup> Decuriones: CIL XI, 1447a; CIL XIV, 4625; CIL XIV, 4142; CIL XIV, 378; AE 1988, 195 and CIL XIV, 321; AE 1989, 125 and CIL XIV, 4553; CIL XIV, 341; Flamines or minor priests of Vulcan: AE 1988, 202; AE 1996, 304; CIL XIV, 306; CIL XIV, 351; Duoviri: AE 1988, 201; CIL XIV, 354; AE 1968, 83; CIL XIV, 335; CIL XIV, 352; CIL XIV 373. Some of these individuals do not offer an explicit indication of having served as *duumvir*, but a reference to the senior magistracy is implicit in their adoption of a variation of the formula '*omnibus honoribus functus*', which is used for those who have held all the local magistracies of a specific place.

<sup>695</sup> For example Numisianus, an imperial *procurator*, Members of the *ordo equestris*: CIL XIV, 390, 391; 4625; 341; 335; 373; 378; 4642; 166, 167 and 4453.

<sup>696</sup> AE 1968, 63; 1988, 185; CIL XIV, 445 and AE 1955, 175.

<sup>697</sup> A new fragment (AE 2002, 276) of a published inscription has revealed that Maecianus was enrolled in the Palatina. He might have been originally from Rome, but he was extensively honoured at Ostia, with at least three monuments (CIL XIV, 5347; 5348; AE 1955, 179 + AE 2002, 276), and he was also one of the *patroni* of the local *collegium* of the *lenicularii* in AD 152 (CIL XIV, 250). No other inscriptions were dedicated to him outside of Ostia, even if his name is included in an imperial dedication from Egypt, but only as the eponymous *praefectus*

past, particular attention has been devoted to studying the inscriptional evidence related to those individuals enrolled in the Palatina who held offices or prestigious positions, in an attempt to identify changes in the social fabric of the governing class of Ostia. Yet, it should be stressed that only a (sizeable) minority of the *tribules* documented in the inscriptions actually belonged to the curial class: the rest of the individuals affiliated to the Palatina were private citizens or soldiers, who served in the *cohortes urbanae*, in the *cohortes vigilum* and in the legions.

As anticipated on the previous pages, earlier scholarship has often interpreted affiliation to the Palatina as a sign of servile descent, especially at Ostia; and, even in more recent years, Cébeillac-Gervasoni and Zevi have concluded that, for the majority of the *tribules* '[...] si deve supporre un'origine libertina anche se la certezza del padre *libertus* si ha solo in qualche caso [...]'.<sup>698</sup> This statement – in particular – elucidates well the underlying circularity that has frequently characterised the approach to the Ostian epigraphic evidence. It is true that only few men enrolled in the Palatina can be explicitly identified as sons of freedmen;<sup>699</sup> but, given that the affiliation to this particular tribe is considered to be a sign of servile descent *in itself*, confirmation of the implied *origo libertina* of those individuals of less certain social background has often been sought in other circumstantial pieces of evidence, such as a Greek *cognomen*, an imperial *nomen*, or familial relations with *incerti*. In the previous chapters, I have argued that some of these criteria are particularly unreliable, a contention that I will elaborate further on the following pages. However, even if one chooses to examine the epigraphic evidence through these lenses, it is clear that no further indication of servile descent (other than the enrolment in the Palatina) can be identified for the majority of the *tribules* from Ostia. Simply put: if these men had not disclosed their tribe, none of them would otherwise be under the 'suspicion' of being descendants of manumitted slaves. Out of 90 individuals whose onomastics can be used to conduct a statistical study, 9 are explicitly identified as sons of freedmen (10 per cent); 4 are close relatives of freed slaves (5 per cent); 7 are not associated with manumitted slaves, but bear a Greek *cognomen* (8 per cent); 13 are not associated with freedmen, but bear an imperial *nomen* (14 per cent); 7 are sons of *incerti*, and

---

*Aegypti*. Thus, it is much more likely that Maecianus was originally from Ostia, rather than Rome.

<sup>698</sup> Cébeillac-Gervasoni and Zevi 2010, 167.

<sup>699</sup> ZPE 81, 240; AE 1996, 304; 1988, 202; 1971, 69; 1988, 196 and CIL XIV, 321; CIL XIV 309; 4656.

bear a Latin *cognomen* (8 per cent); 3 are sons of *incerti*, and bear either an imperial *nomen* or a Greek *cognomen* (3 per cent); and, finally, 47 are not associated with freedmen, and neither bear an imperial *nomen* nor a Greek *cognomen* (52 per cent).<sup>700</sup> Even by maintaining that all of the individuals belonging to every category but the last were sons of freed slaves, there is still a significant percentage of men in the epigraphic sample – 52 per cent – for whom an *origo libertina* has no foundation in the evidence whatsoever. In reality, not even all the *tribules* who belonged to the other categories were probably sons or grandsons of manumitted slaves; in particular those who bear an imperial *nomen* might have been descendants of veterans of the *cohortes auxiliae*, of sailors of the fleet, or of individuals who had otherwise received a (personal) grant of citizenship.<sup>701</sup> On the other hand, the possibility that some of the *tribules* belonging to the last category were in fact descendants of freedmen cannot be discarded either. For example, it is certain that at least some of the relatives of the *eques equo publico exornatus* P(ublius) Nonius P.f. Pal(atina) Livius Anterotianus had been manumitted slaves, but his only known freed relative is the *Augustalis* A(ulus) Livius Anteros, who was either his (maternal?) grandfather or great-grandfather.<sup>702</sup> Yet, it should be noted that at least three of the men included in the last category are commemorated alongside their fathers or grandfathers, who themselves were freeborn and enrolled in the Palatina, such as the *eques Romanus* and *decurio* Marcus Cornelius Valerianus Epagathianus, son of the *decurio* Marcus Cornelius Valerianus,<sup>703</sup>

Overall, this preliminary analysis of the onomastics of the *tribules* indicates how difficult it is to ascertain with precision the proportion of individuals of servile descent enrolled in the Palatina. Conversely, it is now clear that the majority of the *tribules*

---

<sup>700</sup> For a list of the individuals belonging to each category, see Appendix VII

<sup>701</sup> Weaver 1972, 43.

<sup>702</sup> CIL XIV, 390 was dedicated to Anterotianus by Livia Marcellina, who offered the statue base to her '*nepos dulcissimus*'. In Latin, the word *nepos* can indicate both a nephew or grandson. Thus, Marcellina – who was probably the daughter or the freedman Aulus Livius Anteros – might have been either the maternal grandmother or the maternal aunt of Publius Nonius Livius Anterotianus, who might have acquired the *nomen* Livius in honour of his mother's family: for a thorough study on Roman polyonymy and Roman onomastic practices, see Salway 1994. Alternatively, it is also possible that Anterotianus had been born A. Livius Anterotianus, and that he had been adopted by a Publius Nonius; in that case, Livia Marcella would have likely been a paternal relative of Anterotianus. See Meiggs 1973, 211; D'Arms 1976, 402; Licordari 1977; Salomies 1992.

<sup>703</sup> CIL XIV, 341; the other two cases are: 4927 ([---]nius A.f. A.n Pal. Fidis son of [---]nius A.f. Pal. Crispinus) and 4993 (D. Laberius D.f. Pal. Fronto, either nephew or grandson of D. Laberius [-] f. Pal. Fronto).

display no sign of *origo libertina* other than their tribal affiliation, contrary to what was postulated by Cébeillac-Gervasoni and Zevi. Perhaps even more importantly, our sample shows that at least a few of these individuals were sons and grandsons of freeborn men, an observation that – in principle – was not extraneous to earlier scholarship, and especially to Meiggs, but which has found little application in the study of the Ostian evidence.<sup>704</sup>

As in the case of the Voturia, even in the Palatina there is not necessarily a correlation between the social standing of the different *tribules* and the legal status of their parents. For example, while some of the few individuals who are known to be sons of freedmen never managed to secure promotion to the curial class,<sup>705</sup> others – like Publius Attius Silianus – were admitted to the *decurionatus* or to the junior priesthoods of Vulcan.<sup>706</sup> In a similar manner, influential sons of freedmen, like Aulus Livius [---], can be found among the men involved with the numerous local *collegia*, even acting as *patroni* or *quinquennales*;<sup>707</sup> but the same roles could also be filled by sons of freeborn individuals, such as the young *eques Romanus* Marcus Cornelius Valerianus Epagathianus, who was *patronus* of the *Lenuncularii*.<sup>708</sup> Crucially, the careers of Epagathianus and one of the descendants of Aulus Livius, Publius Nonius Livius Anterotianus, encapsulate well the heterogeneity that is found in the Palatina. Both individuals belonged to the equestrian rank, both had been associated with *collegia* and had been admitted into the *ordo decurionum*, but the former was the grandson of an affluent *Augustalis*,<sup>709</sup> while the latter was the son of a freeborn *decurio*, whose onomastic record does not show any sign of *origo libertina*.<sup>710</sup>

---

<sup>704</sup> Meiggs 1973, 191.

<sup>705</sup> For example, Caius Novius C.f. Pal. Statilius (son of Caius Novius C.l. Philetus): ZPE 81, 240.

<sup>706</sup> P. Celerius P.f. Pal. Amandus (son of P. Celerius P.l. Chryseros): AE 1988, 196 and CIL XIV, 321; Publius Attius P.f. Pal Silianus (son of P. Attius P. et J I. Felicio, *sevir Augustalis et quinquennalis*): AE 1988, 202.

<sup>707</sup> CIL XIV, 4656.

<sup>708</sup> CIL XIV, 341.

<sup>709</sup> CIL XIV, 390 and 391.

<sup>710</sup> The *album* of the *lenuncularii* for AD 192 lists a Marcus Cornelius Valerianus Epagathianus enrolled in the *plebs*, and a Marcus Cornelius Valerianus as one of the *patroni* of equestrian rank (CIL XIV, 251). Although the two individuals recorded in the *album* might indeed be the *decuriones* Epagathianus and his father Valerianus, as argued by Meiggs (1973, 341), the possibility has been rejected by D'Arms as an instance of homonymy. More in general, the relationship between the two and Marcus Valerius Epagathus who served as *curator* of the *Augustales* in AD 141 (CIL XIV, 8) cannot be ascertained: D'Arms 1976, 399-400. Therefore, while there is a possibility that Epagathianus had been the descendant of a freedmen, neither his onomastics, nor his prosopography show clear indications of an *origo libertina*.

To sum up, the large number and varied nature of the documents related to the Palatina suggest that the demographic makeup of the *tribules* is more complex than what was suggested in earlier studies. Individuals enrolled in the tribe are attested at every level of Ostian society, not only in the curial class; and while some were certainly sons of freedmen, others had more loose familial connections with manumitted slaves, while the majority show no sign of servile descent other than their tribal affiliation, even according to the rigid criteria adopted by earlier scholars.

The conclusions offered by the separate analyses of the inscriptional evidence related to the Voturia and the Palatina enable us to make a thorough comparison of the demographic composition of the two tribes, which in turn challenges the possibility that the main difference between the two tribal entities lay primarily in the familial origin of the *tribules*. Traditionally, the Voturia has been interpreted by a significant part of scholarship as the original voting tribe of Ostia, as indicated by its association with the members of the more ancient and prominent local families, such as the Acilii and the Egrilii.<sup>711</sup> On the other hand, the Ostian individuals belonging to the Palatina have long been thought to be enrolled in that particular tribe – and not in the Voturia – as a result of their servile heritage, whether recent or more distant in the past. However, it is now clear that the presence of individuals of servile descent among the *tribules* belonging to the Voturia is more significant than what was previously assumed: several of the men enrolled in the tribe were sons of freedmen, and a few even managed to be admitted to the local magistracies. At the same time, the majority of those who belonged to the Palatina show no indication of *origo libertina* other than their tribal affiliation, whether they were members of the curial class, or private citizens, or serving in the army.

Moreover, the presence of men of servile descent in both tribes is not the only argument to speak against the possibility that enrolment in one tribe rather than the other was actually dictated by the familial origin of the *tribules*. Comparing the documents related to both the Voturia and the Palatina, it is evident that individuals of similar social standing had been enrolled in different tribes. For example, while Marcus Livius Iustus belonged to the Voturia, Lucius Calpurnius Chius Felicissimus was affiliated to the Palatina. Both individuals were sons of freedmen who served as *Augustalis*; but while the father of the former did not hold any other role, Felicissimus

---

<sup>711</sup> Meiggs 1973.

was the son of the affluent Chius, *sevir Augustalis et quinquennalis*, who also acted as *quinquennalis* of the *Mensores*, as *curator* for the *Codicarii*, and as *quinquennalis* in the *collegium* of Silvanus Augustus.<sup>712</sup> The inconsistency is even more apparent when examining the inscriptions honouring the members of the local curial class. Despite being the son of a freedman, Gaius Silius Nerva was enrolled in the *Voturia*, and eventually served as *duumvir*. On the other hand, several other senior magistrates were instead affiliated to the *Palatina*, including Gaius Cartilius Sabinus, who was even honoured with the title of *patronus* of the colony. Crucially, Sabinus does not show any sign of servile origin other than his tribal affiliation; but even *assuming* that he was the descendant of a manumitted slave, it is not entirely clear why he had been enrolled in the *Palatina*, since his colleague Nerva – the son of an *Augustalis* – was in the *Voturia*.

In conclusion, the inscriptional evidence from Ostia decidedly calls into question the hypothesis that enrolment in the *Voturia* or the *Palatina* was dictated by the social background of the *tribules*, a theory that – in any case – cannot be reconciled with the inconsistent enrolment of individuals of similar standing in different tribes. Thus, the presence at Ostia of *two* tribes which shared important similarities in their demographic makeups cannot be explained through status or social standing alone: the reason must lie elsewhere.

### III Chronological considerations

The key for understanding the presence of men of servile background in both the *Voturia* and the *Palatina* may lie in the most significant discrepancy between the documents related to the two tribes: the chronology of the inscriptions themselves. In recent scholarship, it has often been observed how palaeography offers an unreliable criterion for dating epigraphic documents, at Ostia like anywhere else.<sup>713</sup> Fortunately, a good number of inscriptions related to the two voting tribes included a record of the consular date, or mentioned individuals whose prosopography is well known, which in turn allows us to date them with significant accuracy. Even in the absence of precise indications, a few other inscriptions can still be dated with reasonable certainty – albeit to a wider chronological frame, especially when they include particular funerary

---

<sup>712</sup> CIL XIV, 358; 309.

<sup>713</sup> Meiggs 1973, 189-90; Gordon and Gordon 1957; Gordon and Gordon 1958/65; Buonopane 2009; Bruun and Edmonson 2015, 15-7;

formulas and titles, or if they show adherence to certain onomastic practices. Overall, the majority of the documents that can be dated with more accuracy are related to the Palatina, but a reliable chronology can still be reconstructed for a good number of inscriptions involving the Voturia, even if with less precision.

Interestingly, when considering only the documents that can be dated with reasonable accuracy, all the earlier ones appear to commemorate individuals affiliated to the Voturia. The oldest is the epitaph of Gaius Tuccius: the absence of a *cognomen* and the spelling of '*duomvir*' have been taken by Meiggs as indicators of an Augustan date, but according to Cébeillac-Gervasoni and Zevi the document might even be from the triumviral era.<sup>714</sup> A second inscription, dedicated to Marcus Naevius Optatus, cannot have been commissioned more than a few decades later than AD 36, the year of his assumption of the role of *pontifex Volkani*.<sup>715</sup> Still to the 1<sup>st</sup> century AD should be dated a document honouring another member of the Voturia, Aulus Egrilius Rufus, who served twice as senior magistrate: according to the *fasti*, an individual with the same name was elected *duumvir* for a second time in AD 66.<sup>716</sup> Two other inscriptions are more difficult to interpret, but cannot be later than the reign of Trajan, and might even be dated to the very last decades of the 1<sup>st</sup> century AD. To be more specific, one is the epitaph of Gnaeus Sergius Priscus, commissioned by his father Anthus, an *Augustalis*; and the other is the funerary inscription of Gaius Silius Felix, another *Augustalis*, and his son, the *duumvir* Nerva.<sup>717</sup> Finally, the only documents involving the Voturia that can be reliably attributed to the beginning of the 2<sup>nd</sup> century AD are those related to Marcus Acilius Priscus Egrilius Plarianus. The oldest two were probably inscribed in AD 105, when Plarianus was made *pontifex Volkani*, or in the following years;<sup>718</sup> a third is dated to after AD 125/6, when he was in charge of the *aerarium Saturnii*,<sup>719</sup> and a fourth is more difficult to pinpoint, but should be

---

<sup>714</sup> CIL XIV, 326; Cébeillac-Gervasoni and Zevi 2010, 163.

<sup>715</sup> See the *fasti Ostienses* for that year: Bargagli and Grossi 1997.

<sup>716</sup> See the *fasti Ostienses* for that year: Bargagli and Grossi 1997.

<sup>717</sup> A thorough study conducted by Meiggs has shown that, at Ostia, the title of *Augustalis* was changed to *sevir Augustalis* at some point either before or during the reign of Trajan, when the hierarchy of the college was also expanded: Meiggs 1973, 218-20. Since Felix and Anthus are both commemorated in their inscriptions as *Augustalis*, and not as *sevir Augustalis*, the document must predate the change in title.

<sup>718</sup> CIL XIV, 72 and AE 1955, 170; See the *fasti Ostienses* for that year: Bargagli and Grossi 1997.

<sup>719</sup> CIL XIV, 4145; on the year of the appointment of Plarianus to the *aerarium Saturnii*, see Corbier 1974, 173ff.



contemporary with the previous one.<sup>720</sup> More in general, none of the funerary inscriptions commissioned for individuals enrolled in the *Voturia* adopt the formula *D(is) M(anibus)*, which has been interpreted by Taylor as an indication of a date earlier than the 2<sup>nd</sup> century AD.<sup>721</sup>

Contrary to the chronology documented for the *Voturia*, all the inscriptions related to the Palatina that can be dated with reasonable accuracy appear to be distributed between the 2<sup>nd</sup> and the 3<sup>rd</sup> centuries AD. One of the earlier documents is the epitaph of the *eques Romanus* Lucius Fabricius Caesennius Gallus, who served as local magistrate. The monument was found *in portu Tiberino* and, considering that it was part of the now-lost tomb of the *Caesennii* in the Isola Sacra, Thylander's suggestion for a Trajanic or a Hadrianic date seems to be more plausible than Heltulla's late 1<sup>st</sup> century AD suggestion.<sup>722</sup> Other documents are more straightforward to date: for example, the inscription honouring Tiberius Claudius Quartus offers a record of his military career under Hadrian, and must be contemporary with his reign.<sup>723</sup> A dedication to the future Lucius Verus, commissioned by the *decurio* Marcus Marius Primitivus, can be dated to AD 145 through a reference to the consuls for the year,<sup>724</sup> while a second monument was dedicated to Lucius Verus as reigning emperor by Gnaeus Sergius Praenestinus, in AD 167.<sup>725</sup> The inscription honouring Lucius Volusius Maecianus is also dated to the reign of Marcus Aurelius: given his titles, it must have been commissioned at some point between AD 161, when he served as *praefectus Aegypti*, and AD 166, the year of his suffect consulship.<sup>726</sup> The statue base for Marcus Iunius Faustus, *decurio* and *flamen* of Divus Titus, was dedicated some years later, in AD 173.<sup>727</sup> Finally, a few important documents are dated to the 3<sup>rd</sup> century AD: a *laterculus* inscribed with the names of several Ostians serving in the *cohortes urbanae*, all enrolled in the Palatina (AD 218);<sup>728</sup> a military diploma from the reign of Heliogabalus;<sup>729</sup> the honorific inscription of Publius Flavius Priscus (AD

---

<sup>720</sup> CIL XIV, 4442.

<sup>721</sup> Taylor and Linderski 2013, 323.

<sup>722</sup> CIL XIV, 354; Helttula 2007, 7; Thylander 1952, 57.

<sup>723</sup> CIL XIV, 4473.

<sup>724</sup> CIL XIV, 4553.

<sup>725</sup> NSA 1953, 250.

<sup>726</sup> CIL XIV, 5348.

<sup>727</sup> CIL XIV, 4142.

<sup>728</sup> CIL VI, 2384.

<sup>729</sup> RMD IV, 308.

249);<sup>730</sup> and the one dedicated to Decimus Fabius Florus Veratius (AD 251).<sup>731</sup> Regarding those inscriptions that cannot be dated accurately, it should be noted that the vast majority of the funerary monuments commissioned for individuals belonging to the Palatina included the funerary formula D(is) M(anibus), which imply a date later than the 1<sup>st</sup> century, as first suggested by Taylor.<sup>732</sup> However, a recently published funerary inscription commemorating a man enrolled in the Palatina might be earlier than the rest of the documents, as indicated by the use of the nominative case for the name of the deceased.<sup>733</sup>

The important discrepancy between the chronology of the documents related to the Voturia and those involving the Palatina had already been acknowledged by Meiggs, who observed – correctly – that ‘[...] almost all the inscriptions recording [the Palatina] can be shown to be of the second century or later.’<sup>734</sup> For Meiggs, the uneven chronological distribution of the inscriptions related to both tribes was a consequence of the increasing predominance of individuals of servile descent in the governing classes of Ostia, which had started in the Flavian era. However, I have already argued earlier how this theory cannot be reconciled with the well-documented presence of sons of freedmen among the *tribules* of the Voturia: if Meiggs was right, these individuals should have been placed in the Palatina, like their 2<sup>nd</sup> century AD ‘counterparts’. Fortunately, a more persuasive explanation for the concentration in different centuries of the documents related to both tribes was offered by Taylor in 1960, in one of the *appendices* to her monograph on the Roman voting districts. Like Meiggs and Mommsen, Taylor identified the Voturia as the original voting tribe of Ostia. Yet, the absence of that tribe from the majority of the documents dated after the 1<sup>st</sup> century AD, which mirrored the progressive disappearance of the Falerna at Puteoli, led her to argue that ‘[...] the Palatina [had] replaced the old tribes of the two ports.’<sup>735</sup> Taylor was mostly concerned with the study of the tribes in Republican times, and thus she did not devote much space to clarifying the unusual tribal arrangements documented at Ostia; yet, she did suggest that the enrolment of two cities in the

---

<sup>730</sup> CIL XIV, 4452

<sup>731</sup> CIL XIV, 352.

<sup>732</sup> Taylor 1960, 323.

<sup>733</sup> EpOst, 759.

<sup>734</sup> Meiggs 1973, 191.

<sup>735</sup> Taylor 1960, 323.

Palatina was '[...] perhaps to be attributed to Trajan who [...]'<sup>736</sup> showed active interest in the organization of Rome's harbor facilities.'<sup>737</sup>

Taylor's theory was met mostly with indifference – perhaps unsurprisingly, given the brevity of her exposition. The hypothesis was ignored by Meiggs in his second edition of *Roman Ostia*, and by d'Arms in the paper that sought to clarify the prosopography of the Ostian notables reconstructed by Meiggs.<sup>738</sup> In the same period, the hypothesis was partially dismissed by Garnsey, who claimed that the argument could be '[...] seriously entertained only in the case of Ostia [...]' and not Puteoli, but who did not seem to be particularly persuaded for Ostia either.<sup>739</sup> More recently, the theory has been featured also in the study of the Ostian tribes conducted by Cerbeillac-Gervasoni and Zevi, as mentioned earlier, which summarised Taylor's reconstruction while at the same time presenting new evidence that might refute it, without ultimately accepting nor rejecting the hypothesis.<sup>740</sup> More broadly, Linderski's postscript to the reprint of Taylor's monograph on the Roman tribes – in which the theory first appeared – illustrates well the generalised lack of acknowledgment of the hypothesis: in his comment, Linderski mentioned Ostia briefly, but did not reference Taylor's observations on the Palatina once.<sup>741</sup> However, despite the weak scholarly support received, I argue that Taylor's hypothesis alone can reconcile the inconsistent chronological distribution of the documents related to the Voturia and the Palatina, while *at the same time* providing an explanation for the similarities in the demographic makeup of the *tribules* of both tribes, which I have highlighted on the previous pages. Only if we maintain that the territory of Ostia had been re-assigned to the Palatina does it become possible to explain why, from the 2<sup>nd</sup> century AD, sons of influential freedmen had started to be enrolled in the Palatina, when, in earlier times, individuals of comparable standing and background are instead found in the Voturia. More importantly, the theory also allows us to explain the presence in the Palatina of individuals who do not show any further indication of servile descent, like the *duumvir* Gaius Cartilius Sabinus and the *praefectus Aegypti* Lucius Volusius Maecianus, who actually represent the majority of the *tribules*, as shown above.

---

<sup>736</sup> Taylor 1960, 323.

<sup>737</sup> Taylor 1960, 323.

<sup>738</sup> Meiggs 1973; d'Arms 1976.

<sup>739</sup> Garnsey 1975, 162.

<sup>740</sup> Cébeillac-Gervasoni and Zevi 2010.

<sup>741</sup> Taylor and Linderski 2013, 362: 'Furthermore, there cannot be any serious doubt that Voturia was, as assumed by Taylor, the original tribe of Ostia'.

The reasons for a new enrolment of the territory of Ostia in the Palatina are not easy to ascertain. Still, Taylor's original hypothesis – which linked the change to the creation of the port of Trajan – remains the most plausible. Portus was not created as a separate civic entity until the reign of Constantine,<sup>742</sup> and recent geophysical surveys conducted by the Portus Project have identified a section of the Ostian walls past the northern bank of the Tiber.<sup>743</sup> It is now clear that the city occupied an area much larger than previously thought, and it is possible that the creation of the new Trajanic port might have expanded the territory of the colony quite significantly, which – in turn – might be one of the reasons for the tribal rearrangement. However, this question ultimately falls outside the scope of the present study, and in the absence of more decisive literary and inscriptional evidence, the reasons for the enrolment of Ostia in the Palatina will have to remain speculative. On the other hand, the wider chronological limits of the tribal rearrangement are easier to identify. Taylor proposed the reign of Trajan as the more probable timeframe for the enrolment of the colony in the Palatina, but at least one prominent Ostian still belonged to the Voturia in AD 125/6, the senator Marcus Acilius Priscus Egrilius Plarianus.<sup>744</sup> Yet, as suggested by Cébeillac-Gervasoni and Zevi, it is entirely possible that the tribal rearrangement might have concerned only the enrolment of new residents carried out after the change, without affecting older citizens like Plarianus, who would have kept their tribe.<sup>745</sup> More generally, it is important to highlight that the inscriptions commemorating Plarianus are the only documents related to the Voturia that can be dated with certainty past the reign of Trajan, with the exception of one that will be discussed shortly; all the other inscriptions indicate a pre-Trajanic date. Therefore, I suggest provisionally that the enrolment of the colony in the Palatina was conducted at some point between the creation of the port of Trajan and the end of the reign of Hadrian at the latest.

In 2009, Lorient and Tran published the epitaph of the freedman Gaius Vettius C(ai) I(ibertus) Anicetus and his family, a hitherto unpublished inscription of undocumented provenance, which now belongs to a private collection.<sup>746</sup> In the following pages, I will

---

<sup>742</sup> Meiggs 1973, 168.

<sup>743</sup> <http://www.portusproject.org/blog/2014/04/new-city-wall-discovered-ostia/>, last accessed on 26/02/2019.

<sup>744</sup> CIL XIV, 4145

<sup>745</sup> Cébeillac-Gervasoni and Zevi 2010, 166-7.

<sup>746</sup> Lorient and Tran 2009 = AE 2007, 201.

discussed in detail the material support and the content of this inscription, while the layout of the text itself will be examined carefully in Appendix VIII, alongside a picture of the monument. According to the epitaph, Anicetus was *quinq(ennalis) fabrum navalium*: his title, and the distinctive *cognomina* of his two sons Anicetianus and Otacilianus, soon allowed Lorient and Tran to identify the three individuals also in an inscription found in the temple of the *fabri navales* of Ostia.<sup>747</sup> In turn, the identification of Anicetus and his sons in the *album* of the *fabri* highlighted an important discrepancy between that document and their epitaph: in the *album*, Anicetianus and Otacilianus are both affiliated to the Collina, while in their funerary monument they appear to belong to the Voturia. Lorient and Tran, who do not seem to have been aware of Taylor's theory, interpreted the affiliation of the two brothers to the Voturia in their epitaph as a sign of Anicetus' desire to facilitate the social promotion of his family, through the enrolment of his freeborn sons in the local rustic tribe.<sup>748</sup>

The epitaph of Anicetus was also discussed extensively by Cébeillac-Gervasoni and Zevi, who tried to date the monument with more precision, and to reconstruct its chronological relation with the *album* of the *fabri navales*. While they did not manage to reach a definitive conclusion, they suggested that both documents should be dated to either the end of the 2<sup>nd</sup> century AD or the beginning of the 3<sup>rd</sup> century AD, and certainly before the promulgation of the *constitutio Antoniniana*.<sup>749</sup> Even more interestingly, they observed that the presence of Anicetianus and Otacilianus in the Voturia conflicted with Taylor's hypothesis, and called into question the possibility that Ostia had in fact been enrolled in the Palatina in Trajanic times.<sup>750</sup> Regarding the change in tribal affiliation that the two brothers underwent, Cébeillac-Gervasoni and Zevi put forward a more plausible explanation: they suggested that the family might have been originally from Rome – where the freeborn sons were affiliated to the Collina. However, some time after the family had moved to Ostia for their trade, and certainly after the *album* had been inscribed, Anicetianus and Otacilianus had been enrolled in the Voturia, possibly as the result of the acquisition of landed property in the territory of the colony.<sup>751</sup> In any case, Cébeillac-Gervasoni and Zevi agreed with Lorient and Tran in thinking that the change of tribe had been motivated by a desire for

---

<sup>747</sup> NSA 1953, 282-5.

<sup>748</sup> Lorient and Tran, 248-52.

<sup>749</sup> Cébeillac-Gervasoni and Zevi 2010, 165-6.

<sup>750</sup> Cébeillac-Gervasoni and Zevi 2010, 165.

<sup>751</sup> Cébeillac-Gervasoni and Zevi 2010, 164

social promotion. In particular, they observed that the adoption of the archaic formula '*vivont*' and the explicit affiliation of Anicetianus and Otacilianus to the Voturia all documented Anicetus' intention to conform to the funerary canons of the older Ostian families: '[...] il palese intendimento di accostarsi alle antiche famiglie di Ostia.'<sup>752</sup>

At first, the late dating of the epitaph of the freedman Anicetus seems indeed to constitute evidence that challenges the hypothesis of an enrolment of the whole territory of Ostia in the Palatina, whether in Trajanic or Hadrianic times. However, I argue that a comparison of the epitaph of Anicetus with the other Ostian inscriptions related to voting tribes refutes the possibility that the enrolment of his sons in the Voturia was legitimate, which is challenged further still by a study of the demographic makeup of the *tribules* of the Palatina. To begin with, there is a problem of chronology. Even restricting the survey to those inscriptions that can be dated to a specific year, the last individual documented in the Voturia was active in AD 125/6, whereas from AD 145 onwards all the known residents of Ostia are found either in the Palatina or – if immigrants – in other rustic tribes.<sup>753</sup> Furthermore, assuming that Anicetianus and Otacilianus were in fact legitimate *tribules* of the Voturia, it would be difficult to explain why Privatus and Chius Felicissimus had been instead enrolled in the Palatina, despite being the sons of freedmen who must have been as influential as Anicetus, if not more.<sup>754</sup> Even more importantly, if Ostia was still assigned to the Voturia, and the sons of a freedman like Anicetus were allowed to be enrolled in the local rustic tribe, it becomes impossible to understand why so many contemporary notables – for whom there is no indication of servile descent – belonged instead to the Palatina. Assuming that the Voturia was still the local voting tribe, and the enrolment of Anicetianus and Otacilianus legitimate, nothing would have prevented a *duumvir* like Gaius Cartilius Sabinus (or Gaius Aemilius) from being enrolled in the Voturia as well, not even if they had been descendants of freedmen. In short, the observations that can be inferred

---

<sup>752</sup> Cébeillac-Gervasoni and Zevi 2010, 166.

<sup>753</sup> Several individuals attested at Ostia were enrolled in other tribes (especially in the Quirina), including a few men who served as magistrates. In most cases, their tribal affiliation provides a clue on their origin: for example, the *duumvir* Publius Aufidius Fortis, enrolled in the Quirina, came probably from a family originally from the African province, and his ties to Numidia are reaffirmed by the fact that he had served as *decurio* at Hippo Regius (CIL XIV, 303). More in general, individuals were enrolled in the tribe assigned to the territory where they held their main estate, and not necessarily in the tribe of the city where they had taken residence. However, belonging to a tribe different than the local one did not prevent residents from serving as *decuriones* and magistrates, since the tribal system did not affect the government of civic communities in any way. For a more thorough overview of the Ostian residents enrolled in other rustic tribes, see Cébeillac-Gervasoni and Zevi 2010, 168-9. On the tribal system, see Taylor 1960.

<sup>754</sup> CIL XIV, 309.

from the Ostian epigraphic corpus decidedly refute the possibility that Anicetianus and Otacilianus had indeed been *tribules* of the Voturia: to claim otherwise would imply that the tribal enrolment of all the other individuals from Ostia followed no rationale whatsoever.

There is little doubt that the tribe of Anicetianus and Otacilianus had originally been the Collina, as shown in the *album*: that particular inscription had been commissioned by the *fabri navales* to be put on public display, and was therefore subject to the scrutiny of the other members of the *collegium*. It is possible that Anicetianus and Otacilianus underwent a change of tribe at some point after the *album* had been commissioned. Yet, their new tribal affiliation cannot have been the Voturia, not because the two were sons of a freedman, but rather because the Voturia had ceased to be the local voting tribe decades earlier, as testified by the contemporary epigraphic evidence from Ostia, where that tribe is absent. The reason why, in his epitaph, Anicetianus chose to give for his sons a tribe different to the one to which both were affiliated will necessarily have to remain conjectural. However, the hypothesis put forward by Cébeillac-Gervasoni and Zevi – a desire to emulate the older local families – probably offers the most likely explanation. Moreover, in the absence of a documented archaeological context, I suggest that the epitaph itself might not even have been put on display, as two small yet significant details seem to reveal.

The monument of Anicetus – a relatively small stela –<sup>755</sup> was designed to delimit the extension of a burial enclosure, and therefore to be visible from the outside of the funerary complex. Yet, the measurements in the formula that specifies the extension of the plot have been left blank: 'in·fr·p· (vac) in·agr·p· (vac)'.<sup>756</sup> As Lorient and Tran observed, the absence of measurements indicate that the monument had been commissioned even before Anicetus had secured a burial plot.<sup>757</sup> However, their explanation for why the inscription was never amended do not convince entirely: they suggested that, perhaps, once the tomb had been erected juridical limitations made it difficult to modify the text, which cannot have been the case;<sup>758</sup> or that the absence of

---

<sup>755</sup> Lorient and Tran suggest 90 cm. as the height of the monument: Lorient and Tran 2009, 241-2.

<sup>756</sup> Lorient and Tran 2009, 244.

<sup>757</sup> Lorient and Tran 2009, 244.

<sup>758</sup> In order to renovate a tomb acquired through inheritance, or bought from the previous owner, the new holder had to be given permission by the college of the *pontifices*, as we are reminded by the inscription of Heliodorus (CIL VI, 37767; AE 1909, 92). However, the limitation

measurements was simply due to negligence, or that the letters had been traced in minium to avoid hiring a stone carver for a second time: both are explanations difficult to reconcile with the remarkable quality of the monument itself.<sup>759</sup> Moreover, there is a further indication that the inscription was intended to be modified at a later date. As Lorient and Tran pointed out, the name of the last individual mentioned in the inscription, Caius Vettius Olympicus, includes an interesting gap between his *nomen* and *cognomen*, which is nevertheless divided by an interpunct: 'Caio Vettio (vac)·(vac) Olympico'. Olympicus has been interpreted by Cébeillac-Gervasoni and Zevi as the older son of Anicetus, born before his father's manumission, but no further evidence corroborates their suggestion.<sup>760</sup> In fact, if Olympicus had been the son of Anicetus, we would reasonably expect to find him in the *album* of the *fabri navales* as well, alongside his brothers; yet, his name is nowhere to be found, even if the fragment that mentions Anicetianus and Otacilianus is relatively well preserved. Rather, I suggest that Olympicus was a slave whom Anicetus had freed informally – a Junian Latin, but whom he still intended to manumit formally at a later time, perhaps in his will. The presence of the wide gaps *and* of the interpunct strongly suggest that Olympicus was expected to undergo a change in legal status,<sup>761</sup> which would have turned him into a (proper) *libertus*, who could adopt libertination.<sup>762</sup>

Notwithstanding the possibility that the missing text was painted, I contend that, overall, the blank spots in the inscription suggest that the monument was never employed in its intended role as delimiter of the burial plot, which reinforces the impression that the indication of the Voturia as the voting tribe of his two sons simply represents Anicetus' (initial?) aspiration to blend in with the older Ostian families.

The epitaph of Anicetus is a reminder of how individual inscriptions can sometimes break epigraphic conventions, or even present – on purpose – a picture that does not

---

only applied in the case of renovations carried out by owner extraneous to the family of those who had been originally erected to tomb. Consequently, nothing would have prevented Anicetus to alter his funerary epitaph at a later date, not even after it had been placed in his tomb. On the *leges* regarding tombs and burials, see De Visscher 1963.

<sup>759</sup> Lorient and Tran 2009, 245.

<sup>760</sup> Cébeillac-Gervasoni and Zevi 2010, 163.

<sup>761</sup> The hypothesis is reinforced by a comparing the spacing in the line where the name of Olympicus is inscribed with the layout of the rest of the inscription. See Appendix VIII for a more thorough discussion, and for a picture of the inscribed portion of the monument.

<sup>762</sup> On the restrictions that Junian Latins might have faced regarding the use of libertination, see Chapter I.



reflect (the legal) reality in an accurate way.<sup>763</sup> However, viewed against the background offered by the rest of the Ostian epigraphic corpus, the inconsistencies of the tribal claims put forward by Anicetus and his two sons become apparent. Thus, it is clear that the epitaph does not provide any evidence that can call into question the enrolment of Ostia in the Palatina in Trajanic or Hadrianic times.

#### IV Ostians outside of Ostia

The chronological considerations on the tribal rearrangement of Ostia so far highlighted can also find an indirect (yet important) confirmation in a few documents discovered outside of the city, some of which have even been intentionally ignored by previous studies.<sup>764</sup> The inscriptions in question are all related to individuals from Ostia who served in the *cohortes urbanae* and in the legions, either as soldiers or officials. Taylor herself had originally observed that '[t]he regular use of the Palatina for *vigiles* and military men from the two ports [...] suggest that the Palatina replaced the old tribes [...] in the two cities.'<sup>765</sup> However, since she did not provide any reference to the inscriptions she had examined, it is not possible to ascertain if the documents she had studied are the ones that will be discussed here. Yet, it should be stressed that the inscriptions related to the *vigiles* do not offer any decisive evidence for the enrolment of Ostia in the Palatina, mainly as a consequence of significant lacunas,<sup>766</sup> and will be excluded from the present study accordingly.

The first two documents are a votive inscription found in Moesia Inferior, dedicated by Lucius Flavius Victor and by his son Italus, and the epitaph of Marcus Aurelius Sextianus, who was buried in Numidia, in the city of Lambaesis.<sup>767</sup> Both men served in the legions, where they held the prestigious rank of *primipilaris* in the Legio XI Claudia (Alexandriana), and of *centurio frumentarius* and *exercitator singularium* in the Legio III Augusta respectively. These inscriptions can add only in a limited way to the understanding of Ostian society and of its tribal arrangement, yet it is still

---

<sup>763</sup> On the concept of 'breaking' epigraphic conventions, see Chapter IV above.

<sup>764</sup> For example, Ferraro and Gorla purposely omitted the *laterculus* that will be discussed on the following pages from their study on the social composition of the tribe Palatina: Ferraro and Gorla 2010, 343, n. 28.

<sup>765</sup> Taylor 1960, 323.

<sup>766</sup> CIL XIV, 04378; CIL XIV, 04526.

<sup>767</sup> AE 1972, 504; CIL VIII, 2825.

significant that the only legionaries documented from Ostia were both enrolled in the Palatina, and served as high ranking officials.<sup>768</sup>

On the contrary, the remaining two documents, which are both related to the *cohortes urbanae*, offer much more decisive evidence for the tribal rearrangement of Ostia. The first is a military diploma of recent publication, awarded in AD 222 to Lucius Pompeius Honoratus, who had served in the Cohors X Antoniniana.<sup>769</sup> While Honoratus is not a common *cognomen*, it is unmistakably Latin, and does moreover not belong to that group of Latin *cognomina* which are often (and somewhat arbitrarily) assumed to be servile.<sup>770</sup> Thus, the document offers yet another attestation of an Ostian individual enrolled in the Palatina for whom no additional traces of servile descent can be gleaned from the simple onomastic record. Furthermore, the diploma issued to Honoratus has the additional merit of expanding the already sizeable list of known Ostians who served as soldiers in the *cohortes urbanae*, inscribed in a *laterculus* dated to AD 218.<sup>771</sup> The document is fragmentary, but the majority of the fragments had already been published in CIL; and yet, to date, the only (brief) remark on the tribal affiliation of the soldiers listed in the *laterculus* was made by Mommsen, who observed that all the 23 *milites* from Ostia, and 9 from Puteoli, had been enrolled in the Palatina.<sup>772</sup> Mommsen's observation should in itself raise important questions, as indeed suggested by Taylor, who, however, simply highlighted the '[...] regular use of the Palatina for *vigiles* and military men [...]' in connection to her theory on the enrolment of Ostia and Puteoli in that tribe, without discussing any specific inscription. Yet, the broader implications for the study of the population of Ostia offered by the *laterculus* can be appreciated in full only by comparing it with the observations on the demographic make-up of the *tribules* of the Voturia and the Palatina summarised above.

---

<sup>768</sup> Victor – in particular – even belonged to a relatively influential family: his son Italus was an *eques Romanus*.

<sup>769</sup> RMD 4, 308.

<sup>770</sup> To the best of my knowledge, the concept of 'servile' Latin *cognomina* first appeared in Frank 1916 and in Duff 1958; on the arbitrary criteria of classifications adopted by the two scholars, see Weaver 1964.

<sup>771</sup> CIL VI, 2384 + 3384 + 32526. Since the inscription is very long – but essential for the purpose of the present study – I have included the whole text in Appendix IX, for ease of consultation.

<sup>772</sup> Mommsen 1887/8, III, 443, n. 3.

Including Honoratus, who belonged to a different unit, the list of Ostian individuals who were serving in the *cohortes urbanae* roughly at the same period can be expanded to 24. As already mentioned, all the Ostian *milites* were enrolled in the Palatina; yet, only 5 (21 per cent) show in their onomastic record elements that can be considered as an indicator of servile origin, namely an imperial *nomen*. The result of the onomastic analysis is coherent with what little is known about the status of those serving in the *cohortes urbanae*. The unit was not as prestigious as the *cohortes praetoriae*, but still outranked the legions;<sup>773</sup> its soldiers, who served twenty years, were selected among freeborn citizens, primarily from the Italian peninsula, and the recruitment patterns did not change even after the end of the 2<sup>nd</sup> century AD, when non-Italians started to serve as praetorians.<sup>774</sup> Overall, while the familial background of the *milites* of the *cohortes urbanae* is generally not known, nothing suggests that the unit attracted primarily individuals of servile descent or lower social background, as instead did the *cohortes vigilum*.<sup>775</sup> Thus, if enrolment in the urban tribes was primarily dictated by *origo libertina*, it would be difficult to explain the presence of so many descendants of freedmen in a unit like the *cohortes urbanae*. Turning our attention to the rest of the evidence that can be gleaned from the *laterculus*, the geographical distribution of the *milites* enrolled in the Palatina is also striking: with the exception of one individual from Sutrium, all those who belonged to the urban tribe were either from Ostia or Puteoli;<sup>776</sup> the rest of the soldiers were enrolled in the rustic ones. For the most part, the tribal distribution of the *milites* from Puteoli resembles the situation documented at Ostia: the *laterculus* lists 12 soldiers from the city, 9 of which are enrolled in the Palatina, while the remaining 3 are enrolled in the pseudo-tribe Flavia. The presence of a pseudo-tribe is in itself problematic; and it has been interpreted by Forni as a sign that, from the end of the 2<sup>nd</sup> century AD, an increasing number of individuals had started to be unaware of their real tribal affiliation.<sup>777</sup>

---

<sup>773</sup> On the *cohortes urbanae* see: Ricci 2011; Le Bohec 1989; Mench 1968; Freis 1967. The donative bequeathed by Augustus in his will to the soldiers belonging to the different armed forces indicates that the *cohortes praetorianae* were then considered to be more a more prestigious corps than the rest of the legions (1000 sesterces to each Praetorian, 500 to each soldier serving in the *cohortes urbanae*, 300 to each Roman citizen serving in the legions): Tac. *Ann.*, 1, 8.

<sup>774</sup> On the Praetorian Guard, and especially on the modalities of their recruitmen, see: Bingham 2012; Le Bohec 1989.

<sup>775</sup> On the *vigiles*, see Daugherty 1992 and Sablayrolles 1996.

<sup>776</sup> The inscription lists five more soldiers enrolled in the Palatina, whose *origo* is lost and impossible to reconstruct; as a result, I have excluded them from the present sample, since they do not provide data useful for the current study.

<sup>777</sup> Forni 1985, 42.

According to Forni, to overcome their ignorance, these individuals had started to give a fictitious tribal affiliation, especially in official documents, which was often moulded on the (full) name of their city:<sup>778</sup> for example, 'Flavia' from 'colonia Flavia Augusta Puteoli'.<sup>779</sup> The increasing popularity of the pseudo-tribe ultimately indicates that the tribal system had lost any real meaning by the second half of the 3<sup>rd</sup> century AD.<sup>780</sup> Yet, the phenomenon appears still quite limited in the *laterculus* dated to AD 218; therefore, for the scope of the present study, it is important to emphasise that all the *milites* from Puteoli who show a genuine tribal affiliation were enrolled in the Palatina. If enrolment in the Palatina was primarily dictated by an *origo libertina*, the *laterculus* and the diploma would document a rather bizarre picture. Assuming that *all* 24 soldiers from Ostia had been enrolled in that tribe because of their servile origin, such impressive numbers can only be justified by arguing that the local citizen population had been utterly replaced by descendants of freedmen, a possibility far more radical than Meiggs' 'social revolution'. Similar conclusions would have to be drawn for Puteoli as well. Even then, it would not be possible to reconcile this picture with the presence of sons of freedmen in the Voturia, which has been documented for the 1<sup>st</sup> century AD. Furthermore, the *laterculus* would also register a drastic imbalance in the familial background of the different soldiers, which would imply that the only *milites* of servile descent were those from Ostia, Puteoli and the one individual from Sutrium, whereas all the others came from families of unbroken freeborn ancestry. Each of these propositions is unlikely to say the least; and, together, they decidedly rule out the possibility that the enrolment of all the *milites* from Ostia in the Palatina was a reflection of their servile origin. Therefore, the only way to explain the tribal affiliation shared by all the soldiers from Ostia is to accept that – by then – the Palatina had replaced the Voturia as the local voting tribe. Thus, the *laterculus* provides indirect yet powerful confirmation for the assignment of the territory of Ostia to the Palatina, which adds to the ample body of evidence obtained from comparing the demographic composition of the individuals belonging to both tribes, and from reconstructing the chronological distribution of the inscriptions.

Moreover, the *laterculus* offers additional indications that reinforce the impression that the whole territory of Ostia had indeed been enrolled in the Palatina. If one focuses

---

<sup>778</sup> Forni 1985, 24.

<sup>779</sup> The full name of the city can be appreciated on a series of inscriptions stamped on *fistulae plumbae*, such as CIL X, 1900a-c.

<sup>780</sup> Forni 1985, 42.

attention on the soldiers from other cities, it is evident that there is a significant degree of internal homogeneity in the tribal affiliation of those who shared the same provenance. For example, the vast majority of the soldiers from Dyrrachium were enrolled in the Aemilia, the local voting tribe;<sup>781</sup> all those from Capua are found in the Falerna; the soldiers from Ravenna are again all affiliated to the local Camilia; and all the *milites* from Beneventum are properly enrolled in the Stellatina.<sup>782</sup> Such a degree of homogeneity in the tribal affiliation of soldiers from numerous different cities suggests that the great majority of the *milites* had been enrolled in the local voting tribe of their place of origin, regardless of their familial background. Inevitably, the same criterion must have applied to the *milites* from Ostia as well. Thus, to repeat, the Ostian soldiers serving in AD 218 had all been enrolled in the Palatina simply because – by then – it had long replaced the Voturia as the local voting tribe. The observation is corroborated by the heterogeneous demographic makeup of the other *tribules* of the Palatina, who belonged to that tribe irrespective of their social standing and familial background, which in turn mirrors the situation that I documented for the Voturia before its disappearance in Trajanic or Hadrianic times, when the tribal rearrangement of Ostia was carried out.

However, the *laterculus* has in store one final argument that decidedly dismisses the possibility that enrolment in the urban tribes was primarily dictated by social standing or servile descent – not only at Ostia, but everywhere else in Roman Italy. The *laterculus* lists several soldiers who bore an imperial *nomen*, which some scholars consider to be a fairly reliable indicator of servile origin: a few Iulii, two Claudii, three Flavii, once Cocceius, two Ulpri, five Aelii and several Aurelii.<sup>783</sup> Yet, the only Iulii

---

<sup>781</sup> Shpuza 2014.

<sup>782</sup> For a brief discussion on the voting tribes of these civic communities, please see the introduction to: Capua in CIL X; Beneventum in CIL IX; Ravenna in CIL XI.

<sup>783</sup> The Iulii: C. Iulius Viator, fr. A, col. I, line 20; M. Iulius Felix, fr. A, col. I, line 28; C. Iulius Saturninus, fr. A, col. II, line 44; C. Iulius Proclianus, fr. A, col. III, line 29; M. Iulius Fortunatus, fr. A, col. IV, line 13; Q. Iulius Donatus, fr. A, col. IV, line 36; C. Iulius Claudianus, fr. A, col. V, l. 14; C. Iulius Rogatianus, fr. I, col. II, line 12. The Claudii: T. Claudius Primus, fr. A, col. I, line 6; Ti. Claudius Priscus, fr. A, col. II, line 16. The Flavii: T. Flavius Iustinus, fr. A, col. II, line 15; C. Flavius Victor, fr. A, col. IV, line 17; T. Flavius Timocrates, fr. I, col. II, line 8. The Cocceius: L. Cocceius Clemens, fr. A, col. I, line 9; The Ulpri: M. Ulprius Maximus, fr. A, col. II, line 29; M. Ulprius Valerius, fr. A, col. III, line 28. The Aelii: P. Aelius Lucianus, fr. A, col. I, line 11; T. Aelius Hermogenes, fr. A, col. I, line 13; T. Aelius Demetrianus, fr. A, col. II, line 33; M. Aelius Torquatus, fr. A, col. III, line 15; T. Aelius Lucinus, fr. A, col. III, line 34. The Aurelii: L. Auerelius Artemas, fr. A, col. I, line 8; M. Aurelius Iuvenis, fr. A, col. II, line 9; M. Aurelius Attalus, fr. A, col. II, line 11; M. Aurelius Pudens, fr. A, col. II, line 21; M. Aurelius Annianus, fr. A, col. III, line

enrolled in the Palatina are those from Ostia: the one from Sutrium is in the Aniensis, another from Capua is in the Falerna, the one from Dyrrachium in the Aemilia, and a fourth in the Camilia. The two Claudii are in the Falerna (Capua) and in the Aemilia (Doberus) respectively. Another soldier from Doberus – a Flavius – is equally enrolled in the local Aemilia, while a second one from Rome is in the Fabia, and the third one in the pseudo-tribe Flavia. The Cocceius was enrolled in the Pollia, the tribe to which his home-town belonged (Ostra). One of the Ulpii is in the Claudia (Misenum), while the other in the pseudo-tribe Iulia (Emona). Similarly, while the Aelius from Ostia is enrolled in the Palatina, one from Dyrrachion belonged to the local Aemilia, and the other Aelii either do not show a tribal affiliation or indicate a pseudo-tribe, which both suggest that they had been unaware of their real tribe. Finally, none of the Aurelii is affiliated to the Palatina: the majority of them is from Dyrrachium, and accordingly enrolled in the Aemilia. Given the chronology of the inscription, and especially their concentration in one city, the Aurelii might be considered the soldiers most likely to come from families who had recently acquired the Roman franchise through an imperial grant of citizenship, but not necessarily as the result of the *Constitutio Antoniniana*. However, even excluding the Aurelii and the *milites* who were affiliated to pseudo-tribes, the sample still includes a good number of individuals whose onomastics can be considered to show signs of *origo libertina*. Following a general suggestion put forward by Garnsey, the soldiers most likely to be descendants of freedmen would be the Iulii and the Claudii.<sup>784</sup> Yet, only the Iulii from Ostia were enrolled in the Palatina; the others – and the two Claudii – had been enrolled in the rustic tribe to which their home-town belonged. Thus, *if* indeed any of the soldiers from this list had been descendants of freedmen, their status had played no part in their tribal enrolment. Those from Ostia had been enrolled in the Palatina simply because it had become the local voting tribe, precisely like their fellow soldiers from elsewhere had for the most part been assigned to the rustic voting tribe of their home-town, irrespective of their descent. Once more, the picture offered by the *laticulus* mirrors perfectly the situation that I documented for Ostia in the 1<sup>st</sup> century AD, when, before the reassignment of the colony to the Palatina, sons of freedmen had often been enrolled in the Voturia, which then was the local voting tribe.

---

10; Sex. Aurelius Ingenuus, fr. A, col. IV, line 24; M. Aurelius Lysimachus, fr. A, col. V, line 2; M. Aurelius Alexander, fr. A, col. V, line 3.

<sup>784</sup> Garnsey 1975.

## V Conclusions: Beyond Ostia

Given its proximity to Rome and its cosmopolitan character as a port city, Ostia embodies – in many ways – the *Epitome* of the Roman city. Although the site of ancient Ostia is documented mainly in its more recent phases, the city represents the most extensive of the preserved Roman settlements in Italy, and its epigraphic richness is second only to Rome for size and variety of inscribed monuments. As a result, Ostia has often been considered a model for the study of different aspects of Roman society, such as urban life, the prominence of ‘Eastern’ cults in imperial Roman Italy, and the significance of *collegia* in the local economy and in overseas trade – to mention only but a few.<sup>785</sup>

The inscriptional evidence from Ostia has also provided an important contribution to shaping the scholarly understanding of the demographic make-up of the population of Roman Italy in imperial times. In particular, the presence of a significant number of individuals whose onomastics seemed to indicate an *origo libertina* has been interpreted by some scholars as a sign of the peaceful penetration of sons of freedmen into the local curial class, and by others as the symptom of more profound demographic changes that affected the whole Ostian society at large: above, I noted that it had turned into a ‘type site’ for a freedman community. The trends documented at Ostia reflected the conclusions reached by comparable demographic studies on the composition of the urban population of Rome. In particular, by examining the epigraphic evidence through a set of criteria very similar to those adopted by Meiggs, Taylor had argued that the great majority of the individuals commemorated in the funerary monuments from Rome had been either manumitted slaves, or their immediate descendants.<sup>786</sup> In a similar manner, inspired by the demographic studies carried out at Ostia and Rome, other scholars later adopted the same methodologies to probe the social composition of smaller cities, such as Aquileia and Beneventum, thus revealing the significant presence of numerous individuals of servile descent in the curial class of several Italian civic communities.<sup>787</sup>

---

<sup>785</sup> On the importance of Ostia for the scholarly understanding of Roman urban life, *tabernae* and housing, see for example Hermansen 1981; Scagliarini Corlaita 1995; Morbidoni 2017; on ‘Eastern’ cults, Floriani Squariciapino 1962; on *collegia*, Royden 1988,

<sup>786</sup> Frank 1916; Taylor 1961.

<sup>787</sup> For example, Garnsey 1975; López Barja de Quiroga 1995.

However, in more recent years, the ‘social revolution’ theorised by Meiggs for imperial Ostia has been partially called into question by a few scholars, most notably Mouritsen, who argued that the model was ‘[...] based on schematic notions of social conflict and a very literal use of the epigraphic evidence.’<sup>788</sup> Consequently, part of contemporary scholarship now considers the presence of a significant number of individuals of servile origin in the inscriptional evidence as the result of peculiar epigraphic habits, and not as an accurate reflection of the demographic makeup of Roman society.<sup>789</sup> Yet, in investigating the legal status and social background of individuals commemorated in Latin inscriptions, even those scholars who reject the idea that Roman society was made up primarily of freed slaves (and their descendants) still tend to employ criteria very similar to those put together by Frank, Gordon, Taylor, Meiggs and Thylander.<sup>790</sup> Thus, men and women of undisclosed status who bear a Greek *cognomen* or an imperial *nomen* are still usually interpreted as manumitted slaves or close descendants of freedmen by the majority of contemporary scholarship; and a servile origin is often assumed even for those freeborn individuals who share the *nomen* with their mother, and for the men enrolled in the urban voting tribes, and especially in the Palatina.<sup>791</sup>

In particular, the way affiliation to the Palatina has been interpreted in similar ways by scholars otherwise following very different approaches provides a useful indication of their (actually) comparable methods. At Ostia, the presence of a significant number of men enrolled in the Palatina has been considered by Meiggs one of the most revealing indicators for the increase of manumitted slaves and their descendants in the resident population. In a similar manner, the *tribules* belonging to the Palatina have been interpreted as individuals of servile descent also by Mouritsen, even in the study that sought to challenge the idea of a ‘social revolution’, by showing a discrepancy in the proportion of Greek and Latin *cognomina* in different categories of inscriptions from the city.<sup>792</sup>

However, by piecing together epigraphic documents of a different nature, the present study has offered evidence that, at Ostia, affiliation to the Palatina had not been

---

<sup>788</sup> Mouritsen 2004, 287.

<sup>789</sup> Mouritsen 2004.

<sup>790</sup> Mouritsen 2001; 2004; 2011; Lindsay 2009. However, Bruun 2015 appears more critical of this methodology.

<sup>791</sup> Taylor 1961.

<sup>792</sup> Meiggs 1973; Mouritsen 2004.



dictated primarily by familial background, nor by social standing. The original voting tribe of Ostia had been the Voturia, but at some point in the first decades of the 2<sup>nd</sup> century AD the territory of the city had been assigned to the Palatina, possibly in connection with the establishment of the Trajanic port on what became known as the Insula Portuensis. Although there is no official record of the tribal rearrangement of the territory of Ostia, indirect confirmation can be found in the important similarities in the demographic makeup of the *tribules* belonging to both the Voturia and the Palatina, and in the uneven distribution of the epigraphic documents related to both tribes. Furthermore, evidence for a change in the local tribe is also offered by the tribal affiliation recorded for the 24 Ostian *milites* serving in the *cohortes urbanae* in AD 218, who were all enrolled in the Palatina.

The observation that the territory of Ostia had been assigned to the Palatina has fundamental implications for the scholarly understanding of the make-up of the local population. To begin with, it offers further support that the model devised by Meiggs is inadequate to describe Ostian society in imperial times, since he had considered the consolidation of the Palatina a consequence of the increasingly important presence of manumitted slaves and descendants of freedmen in the resident population. Contrary to what was postulated by the theory of a 'social revolution', the epigraphic evidence shows that individuals of servile descent had played a role in the civic life of Ostia already in the 1<sup>st</sup> century AD, when several sons of freedmen had been enrolled in the older local tribe Voturia, and a few had even served as magistrates. Yet, judging simply from the evidence offered by those individuals whose tribal affiliation is known, the admission of men of servile background in the curial class never reflected the magnitude outlined by Meiggs. Rather, combining the documents belonging to both tribes, we are left with a picture that suggests a sense of continuity in the number of individuals of servile descent co-opted into the governing class in the 1<sup>st</sup> century AD, and those active as magistrates and *decuriones* in the 2<sup>nd</sup> century AD. However, only a study aimed at reconstructing the prosopography of the Ostian notables with more attention to their familial background, steering away from the overly-simplistic approach regularly adopted in the past, will ultimately allow us to appreciate in full the impact of individuals of servile descent on Ostian society, and their standing within the community.

Furthermore, the observation that the Palatina had replaced the local voting tribe has consequences also for the understanding of the different Ostian epigraphic habits. Once enrolment in the Palatina ceases to be considered as a potential sign of *origo libertina*, it becomes clear that the majority of the individuals belonging to the tribe show no sign of servile descent in their onomastic record, even adopting those criteria of classification followed by Meiggs, Taylor and Mouritsen. The number of inscriptions recording the names of men affiliated to the Palatina is very small compared to the rest of the Ostian epigraphic corpus. Yet, since it is now apparent that a significant number of individuals enrolled in the tribe have been wrongly classified as descendants of freedmen, their presence in the corpus – however small – suggests that the extent of the overrepresentation of individuals of servile background in the inscriptional evidence needs to be estimated with greater precision.

More generally, the present study has wider implications also for the scholarly understanding of the social background of those individuals enrolled in the Palatina documented outside of Ostia, and in particular at Rome. As their appellation implies, the four urban tribes took their name from the Urbs: at least initially, to each sector of the city corresponded a specific tribal entity.<sup>793</sup> Later, enrolment in the four urban tribes might have followed different criteria, and some form of ‘specialisation’ seems to have emerged, which did not necessarily replace the initial geographical distribution of the different tribes: for example, the Collina appears to have been associated especially with individuals of illegitimate birth.<sup>794</sup> In imperial times, the four urban tribes might have enjoyed different degrees of respectability, as implied by the exclusion of the *tribules* of the Suburana and the Esquilina from voting in the process of *destinatio* for the candidates to the consulship and the praetorship.<sup>795</sup> Still, there is a general scholarly consensus that the Palatina was the most prestigious of the four, and that several senatorial families were indeed enrolled in the tribe, such as the Aemilii Lepidi, the Claudii Pulchrii, and at least two branches of the Cornelii.<sup>796</sup>

Yet, even if the Palatina was the most prestigious of the four tribes in which the territory of Rome was enrolled, those studies that sought to investigate the demographic make-up of the resident population tended to interpret the *tribules*

---

<sup>793</sup> Taylor and Linderski 2013, 69-70.

<sup>794</sup> Ferraro and Gorla 2010, 344-5.

<sup>795</sup> Taylor and Linderski 2013, 70-1; Crawford 1996, 507-43.

<sup>796</sup> Taylor and Linderski 2013, 206, 208 and 273.

mostly as descendants of freedmen.<sup>797</sup> However, considering that a great portion of the urban population must have been enrolled in that tribe,<sup>798</sup> it stands to reason that among the *tribules* of the Palatina documented at Rome we should expect to find several freeborn individuals for whom no traces of *origo libertina* can be identified, such as P(ublius) Annius P.f. Pal(atina) Pompeius Valerianus.<sup>799</sup> This observation implies a corollary: it is evident that, at Rome – like at Ostia in the 2<sup>nd</sup> century AD – those individuals of servile descent affiliated to the Palatina had not been enrolled in that tribe because of the legal status of their ancestors, but simply because the Palatina was (one of) the local voting tribe(s). Thus, at Rome, the *proconsul* Q(uintus) Annius M.f. Annianus Postumianus and the ‘commoner’ L(ucius) Aemilius L.f. Celer (son of the freedwoman Aemilia Apollonia) had both been enrolled in the Palatina irrespective of their familial origin,<sup>800</sup> following the same dynamics that I have documented for Ostia.

Outside of Rome and Ostia the situation is less clear, but the evidence gathered in the present study, and especially by the analysis of the *laterculus* listing some of the *milites* serving in the *cohortes urbanae* in AD 218, indicates that enrolment in the Palatina might not always have been dictated by servile descent. The affiliation to the Palatina shared by all the soldiers from Puteoli (with the exception of those in the pseudo-tribe Flavia) suggests that Puteoli too probably belonged to the Palatina.

However, contrary to what was suggested by Taylor,<sup>801</sup> if Puteoli was indeed enrolled in the Palatina, the assignment of the city to the urban tribe was not necessarily carried out in the same year of the tribal rearrangement of Ostia, nor for the same reasons. Ostia and Puteoli are often studied together, mostly because both cities were connected to large ports;<sup>802</sup> yet, as Garnsey rightly pointed out, in the 2<sup>nd</sup> century AD the importance of the facilities at Puteoli had been reduced, and the city mostly acted

---

<sup>797</sup> Frank 1916; Taylor 1961; Ferraro and Gorla 2010.

<sup>798</sup> On observation that did not escape Taylor (Taylor and Linderski 2013, 149): ‘[...] the great bulk of the lower population must have been in the four urban tribes’. However, in her study on the *tituli sepulchrales* from Rome, Taylor tended to interpret affiliation to the Palatina as a sign of servile origin: Taylor 1961, 117, n. 14.

<sup>799</sup> CIL VI, 11751: D(is) M(anibus) / P(ublio) Annio P(ubli) f(ilio) Pal(atina) / Pompeio Valeriano / v(ixit) a(nnos) VII m(enses) III d(ies) V / Annius Valerianus et / Pompeia Valeriana / filio piissimo

<sup>800</sup> CIL VI, 11338; 4502.

<sup>801</sup> Taylor and Linderski 2013, 323.

<sup>802</sup> For example, see D’Arms 1981.

as a regional port.<sup>803</sup> More broadly, the epigraphic evidence from Puteoli concerning both the Palatina and the Falerna are much smaller in number than the inscriptions documented at Ostia for the Voturia and the Palatina, and the chronological distribution much less clear. Furthermore, the neighbouring towns and cities were all enrolled in the Falerna, including Capua, which complicates the investigation further. Therefore, only a wider study, which takes into account also the inscriptions from the surrounding civic communities, and the role played by the military port at Misenum, will allow us to reach a definitive conclusion on the tribal arrangement of Puteoli. Yet, it is important to remember that only one of the men enrolled in the Palatina documented at Puteoli can be identified as the son of a freedman:<sup>804</sup> most of the other *tribules* show no (further) sign of *origo libertina*, precisely like at Ostia.<sup>805</sup> Again, the similarities between the demographic make-up of the *tribules* belonging to the Palatina attested at Ostia and those documented at Puteoli suggest that even at Puteoli enrolment in the Palatina had little to do with familial origin, an impression further reinforced by the evidence offered by the *laterculus*.

Finally, a brief epigraphic overview of the inscriptional evidence documented at Beneventum and Aquileia, both also considered cities in which a high proportion of individuals of servile origin had been admitted into the curial class,<sup>806</sup> suggests that enrolment in the Palatina might not have always been determined by the inferior background of the *tribules*. At Beneventum, which was enrolled in the Stellatina, only six individuals are known to belong to the Palatina. One of them, the *praefectus cohortis* Marcus Nasellius Sabinus was indeed the son of a freedman, the *Augustalis* Vitalis.<sup>807</sup> A second individual, the *decurio* Numerus Alfinius Hierax, might be considered a potential descendant of manumitted slaves, given that both of his parents are *incerti*, and share the same *cognomen*, even if that criterion is hardly definitive.<sup>808</sup> Yet, the remaining four show no other indication of *origo libertina*; and

---

<sup>803</sup> Garnsey 1975,

<sup>804</sup> CIL X, 1807.

<sup>805</sup> Considering how Puteoli is in Campania, I argue that Greek *cognomina* cannot be considered an indication of servile origin, and rather might be a result of the cultural background of the resident population, similarly to the consideration put forward by Salway (2000, 119, n. 10) and Garnsey (1998, 20-2). Moreover, among the *tribules* of the Palatina documented at Puteoli we find at least an *eques equo publico* (Marcus Vettius Pius, CIL X, 1777) and the vir egregius Titus Caesius T.fil. T.n. L.abn. Pa.I Antianus (AE 1908, 206), who must have been at a least third-generation freeborn individual.

<sup>806</sup> Gordon 1931; Garnsey 1975.

<sup>807</sup> AE 2013, 336.

<sup>808</sup> CIL IX, 1638.

the career of two individuals in particular, Quintus Gargilius Modestus and Glaius Oclatius Modestus, invites caution: both had held the *duoviratus* at Beneventum, but before their tenure as local magistrates they both had served as *tribunus militum*, both in the *Legio III Scythica*. The striking similarities in the *cursus* and in the post held by the two magistrates suggest that they might not have been native citizens of Beneventum; thus, their affiliation to the Palatina could have been determined by reasons other than status, possibly related to their military career.

The inscriptions documenting the residents of Aquileia enrolled in the Palatina are slightly more numerous. However, only one of the *tribules* can be identified as the son of a freedman, the *decurio* and *eques Romanus* Gaius Baebius Antiochianus, son of the *sevir* Antiochus.<sup>809</sup> In a similar manner, Gnaeus Octavius Vitalis might have been born to a family of servile background, as the onomastics of his father Zosimus, an *incertus*, might suggest<sup>810</sup>, and the *cognomen* of the *eques Romanus* Gaius Pettius Philtatus can equally be considered a *potential* sign of *origo libertina*.<sup>811</sup> On the other hand, a third individual who gave his tribal affiliation as that of the Palatina was a freedman, Quintus Aquilius C I. Si[---],<sup>812</sup> no doubt belonging to the *familia* of another resident at Aquileia who had been enrolled in the same tribe, Quintus Aquilius Primus.<sup>813</sup> However, Primus was not originally from Aquileia: he had served as *flamen Augusti provinciae Narbonesis*, and he had also been a magistrate in his home-town, which is unfortunately not mentioned in the inscription. The onomastic record of Primus included his tribal affiliation to the Palatina, but the inscription does not include a filiation formula. Yet, since Primus had been a magistrate and a *flamen*, he must have been freeborn: he might have been a first-generation citizen, and his enrolment in the Palatina could be the result of a personal grant of citizenship.<sup>814</sup> Similarly, the remaining *tribules* belonging to the Palatina documented at Aquileia do not seem to have been enrolled in that tribe because of their familial origin.<sup>815</sup> In particular, a man named Festus (whose *cognomen* is unfortunately lost) might have been a native of Rome, or he might have been enrolled in that tribe because his main estate was in Rome: he had been a *procurator* under Hadrian, and he had also served as

---

<sup>809</sup> ILS 3952.

<sup>810</sup> CIL V, 1000.

<sup>811</sup> CIL V, 749.

<sup>812</sup> CIL V, 1090.

<sup>813</sup> InscrAqu I, 568.

<sup>814</sup> On personal grants of citizenship (and the use of status indicators), see Chapter IV above.

<sup>815</sup> CIL V, 921 + AE 2013, 541.

*subpraefectus* of the *vigiles*.<sup>816</sup> Moreover, Tiberius Claudius Ti.f. Rufus Statius Macedo and Tiberius Claudius Ti.f. Secundinus Lucius Statius Macedo, who were undoubtedly related, might have also been from Rome.<sup>817</sup> The former had served as *decemvir stilitibus iudicandis*, one of the minor magistracies which opened the Roman *cursus honorum*; the latter had served as an imperial *procurator*, and his career culminated with the *praefectura annonae*. Therefore, even if both individuals bore an imperial *nomen*, their affiliation to the Palatina had probably little to do with the *potential* (and chronologically remote) servile background of their family, and was likely determined by their economic interests in Rome. Thus, the situation documented at Aquileia is much more nuanced than what is generally assumed by contemporary scholarship, and a more careful investigation of the social background of the individuals belonging to the Palatina reinforces again the impression that not all the local *tribules* were descendants of freedmen.

As repeatedly stated, it is widely assumed that sons and descendants of freedmen were usually enrolled in the urban tribes; yet, the present study has demonstrated that Mommsen's observation was indeed correct: 'Der Sohn eines Freigelassenen tritt oft geradezu in die Landtribus des Patrons seines Vaters ein [---]'.<sup>818</sup> The epigraphic evidence from Ostia, in particular, reflects in an acute manner this observation: during the course of the 1<sup>st</sup> century AD, sons of freedmen had often been enrolled in the *Voturia*, which then was the local voting tribe, and not in the urban ones. Furthermore, the *laterculus* listing the *milites* serving in the *cohortes urbanae* in AD 218 provides additional evidence for the practice attested at Ostia. In fact, the majority of the soldiers documented in the *laterculus* were enrolled in the rustic tribe to which their hometown belonged, including those soldiers whose onomastics are usually thought to indicate an *origo libertina*, who were not affiliated to the urban tribes as a considerable part of scholarship would otherwise assume.

Yet, the inscriptional evidence from Ostia also suggest that Mommsen's observation needs to be expanded. It is now clear that, at some point in the 2<sup>nd</sup> century AD, the territory of Ostia had been assigned to the Palatina; as a consequence, from that moment, the local population had been enrolled in that urban tribe, which had

---

<sup>816</sup> AE 1975, 408.

<sup>817</sup> AE 1934, 232; 233; CIL V, 867.

<sup>818</sup> Mommsen 1887/8, III, 443.

replaced the *Voturia*.<sup>819</sup> Thus, at Ostia, the demographic makeup of the *tribules* belonging to the Palatina was incredibly varied, and included men of the most diverse familial backgrounds; furthermore, the present analysis has demonstrated that the majority of the individuals enrolled in the Palatina do not show any sign of servile descent. The consequences are far-reaching. On one hand, they call into question the idea of a ‘social revolution’ by showing that the individuals of unfree origin are not as numerous in the population of Ostia as previously thought. On the other, they also challenge rather forcefully the assumption that affiliation to an urban tribe can usually be considered a reliable indicator for of *origo libertina*. The importance of this observation becomes even more apparent once we are remind if we remember that the situation documented at Ostia is comparable to the evidence for the city of Rome, parts of which were equally enrolled in the Palatina. Therefore, it is now evident that several individuals affiliated to the Palatina had been enrolled into that particular tribe not because of their familial origin, but simply because they had belonged to a community enrolled in that tribe.

To sum up. This chapter has demonstrated that sons and descendants of freedmen were enrolled in the rustic tribes as frequently as they were enrolled in the urban ones; and also that the demographic composition of the *tribules* belonging to the Palatina is much more diverse and complex than previously thought, not only at Ostia and Rome, but even in other communities. Indeed, the inscriptional evidence shows that men of servile origin are documented both in the urban tribes and in the rustic ones, just as individuals for whom there is no indication of *origo libertina* can be found in all the 35 tribes, including the four *tribus urbanae*. Combined, the two observations suggest that affiliation to an urban tribe is a poor criterion for ascertaining the background of individuals recorded in Latin epigraphy, which can result in misleading classifications, that can compromise the scholarly understanding of Roman society at large. Instead of the overly simplifying approaches utilized in the past in the study of the material, this chapter has shown that much more caution is needed. The results, I contend, merit the extra epigraphic leg-work. For now, however, we should at the very least stop talking about a ‘social revolution’ at Ostia and, more in general, exercise greater

---

<sup>819</sup> With the exception of those individuals not native from Ostia who, while residing in the city, nevertheless chose to keep their tribal affiliation to the territory to which their main estate belonged.

analytical care in our assessment of the legal status of the individuals attested epigraphically.





## **CONCLUSIONS**

### *Per Ostiam ire: the path ahead*

Modern studies on freed individuals in the Roman world often highlight the concept of '*macula servitutis*', a servile stain considered to have sullied former slaves even after their manumission.<sup>820</sup> In a recent study, Vermote has shown that no clear reference to such a *macula servitutis* can be found in the broader literary evidence, and that the concept only appears in legal sources, where it is mostly employed to describe the condition of a slave, and not that of a freed individual.<sup>821</sup> While part of scholarship considers the *macula servitutis* as one of the (chief) reasons for the limitations placed upon freed people in public life,<sup>822</sup> Vermote built a convincing case in arguing that the limited agency of manumitted slaves can often be more easily explained by the Romans' propensity to safeguard patronal interests, usually at the expense of those of freed individuals.<sup>823</sup> There is little doubt, as Vermote stressed, that the centrality of the *macula servitutis* in the contemporary scholarly discourse on freed people at Rome is a legacy of earlier, pioneering studies, which were often particularly reliant on Roman literary accounts – usually a product of the (class-conscious) Roman elite, which tended to distance themselves from the lower classes.<sup>824</sup> Over time, there has been a noticeable shift in the approaches adopted in historical studies: in the past decades, scholars have come to be (in most cases) equally attentive to epigraphical and/or archaeological sources as well, which are often well-integrated with literary and juridical ones.<sup>825</sup> Yet, despite these changes in the approach to the sources, this thesis has shown that part of current scholarship is still largely prepossessed by the idea of a *macula servitutis*, to the point of identifying as manumitted slaves a large number of men and women for whom the evidence shows no real indication of servile

---

<sup>820</sup> Duff 1958; Boulvert and Morabito 1982; Mouritsen 2011.

<sup>821</sup> Vermote 2016,

<sup>822</sup> Mouritsen 2011. More in general, the idea that freed condition was somewhat degrading (or inferior) can be found even in other studies that do not reference the *macula* explicitly, such as Taylor 1961 and Koops 2014.

<sup>823</sup> However, not all of the arguments put forward by Vermote are equally convincing. For example, his suggestion that freedmen had been barred from holding magistracies to prevent the possibility that they might exercise power over their former patrons does not seem to find a compelling justification in the evidence: Vermote 2016, especially 147-8.

<sup>824</sup> Vermote 2016, 157-8.

<sup>825</sup> For an overview of a few studies on the broader topic of slavery that rely on a variety of primary sources, see: Jongman 2003; Mouritsen 2004, 2011a and 2013; Andreau and Descat 2006; Roth 2007; Joshel and Hackworth Petersen 2014.

background. This attitude is not limited to the category of *incerti* – men and women of undisclosed legal condition. It is also applied to certain individuals avowedly indicated in the epigraphic record as *ingenui*, who are often considered to be of servile extraction on purely speculative bases – such as the affiliation to one of the four urban tribes, which are frequently contradicted by a careful study of the evidence itself. In fact, the views held by part of contemporary scholarship appear to be still (unconsciously?) influenced by a famous passage of the *Annales*, in which Tacitus claimed that the majority of the population residing at Rome was made up by *libertini*,<sup>826</sup> a passage that rested at the very core of some of the earlier studies on freed individuals at Rome.<sup>827</sup>

In deliberate contradistinction, this thesis challenges rather forcefully the idea that the Latin inscriptional production in imperial times was dominated by individuals of servile extraction. As we have seen, this theory is not borne out by the evidence; rather, it is the result of a misinterpretation of two distinct yet related epigraphic trends. On the one hand, it is now clear that individuals belonging to certain (legal) categories lacked the linguist ‘markers’ to convey in full their (legal) status in inscriptions. On the other hand, it is equally apparent that the omission of status indicators in epigraphic documents gradually became a practice embraced by all segments of Roman society, including the senatorial class. While it is not possible to ascertain which of these two factors was the most determinant, there is little doubt that both contributed to the appearance of a high number of *incerti* in the inscriptional evidence, a trend especially noticeable in the epigraphic production dated from the 2<sup>nd</sup> century AD onwards. Unfortunately, scholarship has often given a simplistic answer to such a complex epigraphic phenomenon, perhaps as a consequence of the ‘*macula* mentality’ highlighted above: as just noted, more often than not, *incerti* have been interpreted as freed individuals unwilling to disclose their status, yet ‘betrayed’ by certain elements of their personal onomastics.<sup>828</sup> However, even setting to the side the problems inherent in the vaguely prejudicial view on Roman society (and on freed people) that sits at the core of this reasoning, it is clear that this theory too does not rest on the evidence itself. Rather, it finds its primary justification ‘[...] on a few long-

---

<sup>826</sup> Tac. *Ann.* 13.27: ‘Disserebatur contra: paucorum culpam ipsis exitiosam esse debere, nihil universorum iuri derogandum; quippe late fustum id corpus. hinc plerumque tribus decurias, ministeria magistratibus et sacerdotibus, cohortes etiam in urbe conscriptas; et plurimis equitum, plerisque senatoribus non aliunde originem trahi: si separarentur libertini, manifestam fore penuriam ingenuorum’.

<sup>827</sup> For reference, see Frank 1916; Gordon 1931.

<sup>828</sup> For reference, see Gordon 1931; Taylor 1961; Garnsey 1975; Mouritsen 2004.

standing, cherished, but rarely examined assumptions about Roman names and naming practices that in fact do not necessarily remain unscathed by close scrutiny'.<sup>829</sup> This thesis sought to reassess some of these assumptions, and to put forward a novel, content-sensitive approach to status identification in Latin inscriptions, that can be tailored and adjusted to fit the study of the epigraphic evidence from different areas of the Roman Empire. Yet, much more remains to be done: we have only just started out on the path ahead.

While this thesis has argued that the scholarly understanding of Roman society as documented in inscriptions is both incomplete and in need of a thorough revision, it does not seek to call into question the important impact that freed people had on (and in) the Roman world. However, it is evident that a better understanding of this and other aspects of Roman society will be achieved only through further detailed studies, which may benefit from the novel approaches and the theoretical model discussed in this thesis, and – in turn – expand them further. In fact, the model offered here can serve as the basis for other qualitative and quantitative studies of the inscriptional evidence, beginning with a much needed revision of our view of the significance of Greek *cognomina* in the Roman west. Already in 1975, Garsney was observing that no significant study had been conducted on the frequency with which families of different backgrounds retained (or adopted) Greek *cognomina* through the generations.<sup>830</sup> To this date, the need for this kind of research is still felt. Although Bruun has recently demonstrated that *vernae* were given a Latin *simplex nomen* more frequently than a Greek one, thus challenging the ingrained idea that slaves *usually* bore a Greek name,<sup>831</sup> scholarship still tends to interpret Greek *cognomina* as an indication of servile descent,<sup>832</sup> while Latin ones are normally considered to lack such a connotation. However, even if investigating the social background of individuals bearing a Greek *cognomen* has not been one of the aims of this thesis, the present study has shown that – at the very least – several men and women whose onomastic record included a Greek name were freeborn: no evidence of servile descent could be found for them; some of them even belonged to the upper classes of Roman society. Considering how this thesis has highlighted the spread of epigraphic practices that gradually led to the disappearance of status indicators in inscriptions

---

<sup>829</sup> Bruun 2013, 20.

<sup>830</sup> Garsney 1975, 175-6.

<sup>831</sup> Bruun 2013.

<sup>832</sup> Solin 1971.

commissioned by individuals of the most diverse legal statuses, a study on the adoption of Greek *and* Latin *cognomina* in families of different backgrounds could provide yet another tool for exploring in a more accurate way the condition of (some) *incerti*.<sup>833</sup>

More broadly, the approaches and methods promoted in this thesis may find application also in the investigation of Roman society at a municipal level: despite their limited focus, local studies can help to identify trends that may shed light on Roman social history at large, as the rich bibliography on Ostia reminds us. As we have seen, Ostia has long been associated by scholars with individuals of servile extraction.<sup>834</sup> In particular, the model outlined by Meiggs – who theorised the existence of a ‘social revolution’, which (he believed) resulted in families of servile background gaining prominence in municipal life at the expenses of the older ones –<sup>835</sup> has played an important part in shaping the scholarly debate on the impact of freed individuals and their descendants in (and on) Roman society. In recent years, the extent of Meiggs’ theories has been partially redefined, but the key concept sitting at the core of the ‘social revolution’ model has not been called into serious question.<sup>836</sup> However, by disproving the idea that enrolment in the Palatina constituted a sign of servile descent – one of the pillars of Meiggs’ hypothesis – this thesis has shown that the entire model needs to be revised, if scholars want to reconstruct a more faithful picture of Ostian society as it emerges from the inscriptional evidence. Such a study would benefit not only the scholarly understanding of Ostia, but also of the Roman world at large: considering its proximity to Rome and its cosmopolitan character as a port city, Ostia offers a cross-section of the whole Roman society, providing a useful comparison for other areas of the Empire – i.e. a test case.

With more than 7000 published inscriptions, Ostia offers a vast epigraphic record that is particularly suitable for the content-sensitive approaches discussed in this thesis. Even more importantly, the evidence from Ostia is not only rich, but also especially

---

<sup>833</sup> While Solin 1971 and Kajanto 1965 have investigated extensively the use of Greek and Latin *cognomina* respectively, to this date no research has examined in detail the onomastic patterns shown by different families, with the only exception of the limited studies of Frank 1916 and Thylander 1952. Both of these studies relied on a small epigraphic sample, and only the one conducted by Thylander drew a few comparisons between the onomastic practices adopted by different families, without any particular consideration of their legal status or social standing.

<sup>834</sup> Nissen 1902; Gordon 1931.

<sup>835</sup> Meiggs 1973.

<sup>836</sup> López Barja de Quiroga 1995; Mouritsen 2005.

varied: it includes epitaphs and funerary monuments from different necropoleis, numerous public and honorific inscriptions, the local *fasti*, epigraphic documents associated with several *collegia*, and over one thousand inscribed *instrumenta*. Such a varied and vast record not only would allow us to identify different epigraphic trends within each of the main categories of inscribed documents; it would also enable us to draw a comparison between the different types of inscriptions. In turn, a better understanding of local epigraphic practices may help to shed light on the legal status of some of the men and women commemorated in the inscriptions from Ostia, and on the social standing that individuals of different conditions enjoyed in the community. Since the site of ancient Ostia is relatively well-preserved, the archeological context of a sizeable portion of the epigraphic record is well documented, or can be reconstructed to a satisfactory extent, thus providing vital information that can help to interpret the message conveyed by the texts. These fortuitous but favourable circumstances are especially noteworthy in the area of the necropolis of the Isola Sacra, where close to 400 inscriptions were documented in the course of several excavation campaigns, the majority of which were found within the limits of their original funerary complex.<sup>837</sup> The presence of so many epigraphic documents still *in situ* allows for the rare opportunity to connect several of the men and women commemorated in the inscriptions from the Isola Sacra to their place of final rest. The scholarly potential is enormous: a thorough, combined study of the archaeological and epigraphic evidence from the Isola Sacra would allow us to gain precious insights on how *known* individuals belonging to different families – and presumably of different legal condition and social standing – chose to represent themselves, not only in the eyes of the community, but also of their own *familia*. Yet, to this date, a social study of the funerary community of the Isola Sacra is still sorely needed,<sup>838</sup> even more so since the few monographs and articles in which the necropolis is discussed still tend to consider it a burial place chosen especially by freed individuals (and their descendants).<sup>839</sup> However, once again this assumption is not borne out by the

---

<sup>837</sup> On the site of the Isola Sacra, see especially the publications of Calza, who actively excavated the necropolis: 1928 and 1940; for an overview of the most recent discoveries, see Baldassarre, Braganti and Dolciotti 1985; Germoni 2009 and 2011. For studies that focus primarily on the inscriptions from the necropolis, see Thylander 1952 and especially Helttula 2007, which thoroughly reconstructs the context where the different epigraphic documents were found.

<sup>838</sup> Helttula 2007 expresses an interest in conducting such a research in a second volume, but to this date there has not been any news on whether this project is currently active: Helttula 2007, xxiv.

<sup>839</sup> To a limited extent, this idea is already present in Calza 1940, who believed the Isola Sacra to be the burial place of '[...] umile gente [...]', including freed people: Calza 1940, 266. See

evidence: it rests primarily on the fact that the majority of the men and women commemorated in the inscription from the Isola Sacra appear as *incerti*, and some of them bear either an imperial *nomen* or a Greek *cognomen*, which are usually (to stress it yet again) considered an indication of servile descent. Yet, it is important to remember that the great majority of the funerary complexes documented in the Isola Sacra are dated from the 2<sup>nd</sup> century AD, when – as this thesis has shown – libertination, filiation (by *praenomen*) and indication of the voting tribe had started to become uncommon in inscriptions commissioned by men and women of the most diverse conditions, including freeborn individuals belonging to the senatorial and equestrian classes. Furthermore, it should be emphasised that Latin was not the only language employed in the epigraphic evidence from the Isola Sacra, and that at least 22 Greek inscriptions were found in the necropolis, some of which belonged to complexes that featured documents inscribed in both Latin and Greek.<sup>840</sup> Moreover, the 22 inscriptions from the necropolis proper are not the only evidence for the use of Greek epigraphy in the area: rather, they belong to a larger corpus of 102 Greek inscriptions documented for the wider region of Portus.<sup>841</sup> Although the observation should be self-evident, so far scholarship has put very little emphasis on noting that the existence of a small but significant number of Greek inscriptions from the area points towards the presence, within the community, of individuals who – at the very least – were familiar with the language, and who might have come from Greek-speaking regions of the Empire.<sup>842</sup> If this theory is true, as common sense suggests, then it is logical to assume that some of the men and women bearing a Greek *cognomen* might have been (freeborn) individuals from the Eastern provinces (or their immediate descendants), rather than manumitted slaves. In fact, once the preconception that the Isola Sacra had been a necropolis that catered mainly to the funerary needs of the freed is abandoned, it becomes evident that: 1) of the eight men who indicated their tribal affiliation, only one belonged to the local Palatina, while five to the Quirina, which suggests a provincial origin (especially from Africa);<sup>843</sup> 2) a few

---

also Thylander 1952; Tacoma 2017. It should be noted that, while she focused exclusively on the tombs of the Varii and other freed individuals, Hackworth Petersen highlighted the '[...] self-fulfilling, circularity of logic [...]' that may come into play when interpreting *incerti* as freed people unwilling to disclose their status, in the absence of reliable indicators: Hackworth Petersen 2006, 93-4.

<sup>840</sup> Helttula 2007.

<sup>841</sup> I.Porto 1-102 (IG XIV).

<sup>842</sup> To the best of my knowledge, there is only a limited reference to the possible foreign origin of some of the individuals buried in the Isola Sacra in Calza 1940 and especially in Tacoma 2017, whom, however, indicated that only six texts were found in the necropolis.

<sup>843</sup> Cébeillac-Gervasoni and Zevi 2010, 168.

individuals were probably non-Roman citizens, including a man from Rhodes, others from Nicomedia, and a *miles* of the fleet who had been originally from Corsica;<sup>844</sup> 3) and, finally, that another one was a member of the tribe of the Pictiones from Aquitanica, which suggests that he *might* have been a Latin citizen.<sup>845</sup> This *preliminary* overview of some of the relevant evidence from the necropolis suggests a much more diverse picture of the Isola Sacra and its community than what is usually argued by scholarship, which supports the theoretical model of Roman society sketched in this thesis. Despite its name, the Isola Sacra was not an island: until the reign of Constantine, Portus and its neighbouring region were integral part of Ostia,<sup>846</sup> as further suggested by a recent investigation of the Portus Project, which has documented the existence of a section of the Ostian walls past the northern bank of the Tiber.<sup>847</sup> Thus, it is not unreasonable to expect that levels of legal and social complexity similar to those in the Isola Sacra should be found, in varying degrees, also in the city of Ostia and its surroundings: after all, within some of the local *collegia*, the presence of individuals who might have been *peregrini* is already known to scholarship.<sup>848</sup>

Long thought to be a ‘bastion’ of freed people, and thus discussed mainly in relation to manumitted slaves and their descendants, Ostia and its epigraphic record may in fact offer new and important insights that might not only renegotiate our comprehension of local society, but also redefine the scholarly understanding of both freedom and citizenship(s) in imperial times. The crux of the matter, I contend, is to look at the evidence from a fresh perspective and with renewed awareness, which the arguments put forward in this thesis aspired to raise. To be sure, there are other areas on which to try out the approached and methods trialed in this thesis. But for reasons just explained, I propose ‘to go’ through Ostia first: *per Ostiam ire!*

---

<sup>844</sup> Helttula 2007, 60; Helttula 2007, 167 and 169; Helttula 2007, 7<sup>9f</sup> and 21<sup>9f</sup>; Helttula 2007, 224.

<sup>845</sup> Helttula 2007, 21. The *ius Latii* was widespread in Gallia Narbonensis, as observed in Chapter II of this thesis.

<sup>846</sup> Meiggs 1973, 168; Bruun 2010, 110.

<sup>847</sup> <http://www.portusproject.org/blog/2014/04/new-city-wall-discovered-ostia/>, last accessed on 26/02/2019.

<sup>848</sup> For reference, see NSA 1953, 282-5.





## **APPENDICES**

### I Inclusion of filiation in inscriptions commemorating members of the senatorial or equestrian classes

The use of the title *vir clarissimus* to indicate a man of senatorial rank, although sporadically attested even in the 1<sup>st</sup> century AD, became widespread in the 2<sup>nd</sup> century AD, when it started to be abbreviated in *c. v.*, and when the corresponding titles of *clarissima femina*, *clarissimus iuvenis*, *clarissimus puer* and *clarissima puella* were adopted to refer to the wife and offspring of a senator. Similarly, the title *vir egregius*, which was used to denote a man of equestrian rank, is attested from the last quarter of the 2<sup>nd</sup> century AD throughout the whole 3<sup>rd</sup> century AD, when it was partially replaced by a more complex system that indicated the progression of the bearer through the equestrian career. Therefore, the presence of these titles in an inscription allows us to date the document even in the absence of other indicators, albeit with a recognisable degree of approximation. For reference, see Sandys 1927.

These titles allow us to identify with relative ease the social standing of men and women belonging to the upper classes of Roman society, and can provide a useful indication of the attitudes shown by senatorial and equestrian families towards the use of status indicators in inscriptions. The present study is based on a large sample of epigraphic documents from Rome, retrieved through the Clauss-Slaby Epigraphik-Datenbank (at <http://www.manfredclauss.de/>, last accessed on 26/02/2019); the main edition of each inscription has then been examined, on physical copies of either the CIL or AE. The inscriptional evidence discussed in this appendix all include the titles *vir clarissimus* or *vir egregius* (or their female or '*iunior*' variants), and are for the most part funerary or honorific in nature; brick stamps and documents that included the name of a senator for eponymous purposes have been excluded from this analysis.

The query has returned around 600 inscriptions related to individuals belonging to the senatorial class. Of these inscriptions, only 20 included the filiation of the individuals commemorated:

- I. T(itus) Aelius T(iti) f(ilius) Pal(atina) Naevius Antonius Severus: CIL VI, 01332;
- II. L(ucius) Flavius L(uci) f(ilius) Septimius Aprus Octavianus: CIL VI, 01415;
- III. M(arcus) Iulius M(arci) f(ilius) Ani(ensis) [---] Sura Magnus [---] Attalianus: CIL VI, 01431;

- IV. L(ucius) Lorenius L(uci) f(ilius) Palat(ina) Crispinus: CIL VI, 01447;
- V. Lucia Lorenia Cornelia L(uci) Crispini f(iliae) Crispina: CIL VI, 01448;
- VI. Oscia Modesta M(arci) f(ilia) Cornelia Publana: CIL VI, 1478;
- VII. Rutilia Q(uinti) f(ilia) Pollita: CIL VI, 30861;
- VIII. Munatia M(arci) f(ilia) Procula: CIL VI, 41128;
- IX. L(ucius) Pomponius L(uci) f(ilius) Lem(onia) Gratus: CIL VI, 1493;
- X. P(ublius) Alfius P(ubli) f(ilius) Gal(eria) Maximus Numerius Avitus: CIL VI, 41176;
- XI. C(aius) Arrius C(ai) f(ilius) Quirina Calpurnius Frontinus Honoratus: CIL VI, 41178;
- XII. L(ucius) annius L(uci) f(ilius) Quir(ina) Italicus [--- Torqua]ato(?): CIL VI, 31658;
- XIII. M(arcus) Pontius M(arci) f(ilius) Palatina Eglectus Archelaus: CIL VI, 41228;
- XIV. C(aius) Vettius C(ai) f(ilius) Volt(inia) Gratus Atticus Sabinianus: CIL VI, 41234;
- XV. [---] f(ilius) [Corn]elianus Agrippinus: AE 2007, 256;
- XVI. C(aius) Caerellius Fufidius Annius Rauus C(ai) fil(ius) Ouf(entina) Pollittianus: CIL VI, 1365;
- XVII. L(ucius) Fabius M(arci) fil(ius) Galer(ia) Septiminus Cilo: CIL VI, 1410;
- XVIII. L(ucius) Marius L(uci) fil(ius) Galeria Vegetinus Marcianus Minicianus: CIL VI, 1456;
- XIX. L(ucius) Turcius Apronianus Turci Aproniani f(ilius) Turci Secundi n(e)pos: CIL VI, 1769;
- XX. [---] fil(ius) Cassianus [--- o]: CIL VI, 3830;

The Epigraphik-Datenbank has also returned around 90 inscriptions related to individuals belonging to the equestrian class. Of these inscriptions, only 1 included the filiation of the individual commemorated:

- I. P(ublius) Vibius P(ubli) f(ilius) Marianus: CIL VI, 1636.

## II Proportion of *incerti* in votive inscriptions from Italy

Considering the vast number of surviving documents, it is impossible to give an entirely accurate estimate of the distribution of legal statuses in the votive inscriptions from Roman Italy; rather, the numbers resulting from the study offer a rough, yet overall reliable impression of the preponderance of *incerti* among the dedicators of ex-votos. The inscriptions considered are those employing variations of the formula that refers to a *votum solutum*. For the *regiones* where a large number of votive inscriptions is attested, it was not possible to count all of the dedicators; as a result, unless otherwise specified, the study takes into account a median of one dedicator per inscription, even if – in reality – votive inscriptions were commonly set up by more than one person. Since the aim of this analysis is to ascertain the distribution of filiation and libertination in the onomastics of the dedicators, those who did not adopt those status indicators are calculated among the *incerti*, even in those instances when their legal status is known through other means – for example through an indication that someone held a magistracy.

Regio I, *Latium et Campania*: circa 93 inscriptions, 4 dedicators with filiation, 7 with libertination, 5 *servi* – conservative estimate of **82%** of *incerti* among the dedicators;

Regio II, *Apulia et Calabria*: circa 42 inscriptions, 4 dedicators with filiation, 7 with libertination, 1 *servus* – conservative estimate of **61%** of *incerti* among the dedicators;

Regio III, *Bruttium et Lucania*: circa 6 inscriptions, 5 dedicators, 1 dedicator with libertination – conservative estimate of **80%** of *incerti* among the dedicators; circa 58 inscriptions, 8 dedicators with filiation, 10 with libertination, 1 *servus* – conservative estimate of **67%** of *incerti* among the dedicators;

Regio V, *Picenum*: circa 9 inscriptions, circa 12 dedicators, 4 dedicators with filiation, 2 with libertination – conservative estimate of **50%** of *incerti* among the dedicators, but most of the inscriptions are fragmentary.

Regio VI, *Umbria*: circa 40 inscriptions, 5 dedicators with filiation, 2 with libertination, 2 *servi* – conservative estimate of **77%** of *incerti* among the dedicators.

Regio VII, *Etruria*: circa 56 inscriptions, 6 dedicators with filiation, up to 9 with libertination – conservative estimate of **73%** of *incerti* among the dedicators;

Regio VIII, *Aemilia*: circa 52 inscriptions, 9 dedicators with filiation, 4 dedicators libertination – conservative estimate of **75%** of *incerti* among the dedicators;

Regio IX, *Liguria*: circa 57 inscriptions, 13 dedicators with filiation, 5 with libertination, 1 *servus* – conservative estimate of **66%** of *incerti* among the dedicators;

Regio X, *Venetia et Histria*: circa 567 inscriptions, circa 66 dedicators with filiation, circa 45 with libertination, 2 *servi* – conservative estimate of **80%** *incerti* among the dedicators;

Regio XI, *Transpadana*: circa 319 inscriptions, circa 58 dedicators with filiation, circa 13 with libertination, 2 *servi* – conservative estimate of **73%** of *incerti* among the dedicators;

*Roma*: circa 200 inscriptions (conservative estimate), 14 dedicators with filiation, 23 with *libertination*, 5 *servi* – conservative estimate of **79%** *incerti* among the dedicators.

With the exception of *regiones* III and V, the **actual** percentage of dedicators who do not record their filiation or libertination is bound to be higher than the estimates given, in some cases even significantly higher.

### III Examples of epitaphs that did not include status indicators in the onomastics of the dedicators

A few examples include the epitaphs of: Caius Aelius **C.f. Pollia**, *miles cohors X urbana centuria Veri*, dedicated by his *commanuplaris* Vibius Iustus, who must have been a freeborn Roman citizen (AE 1959, 174); Sextus Flavius **Sex.f. Quirina**, *primus pilus legionis XX Valeriae* and later *praefectus classis Britannicae*, dedicated by his wife Varinia Crispilla and his sons Flavius Vindex and Flavius Quietus, who must have been freeborn Roman citizens (AE 1960, 28); Quintus Valerius **Q.f. Postimius** Romulus, *eques equo publico* and imperial *procurator*, dedicated by his son Quintus Valerius Rumulus, who must have been freeborn Roman citizen and of equestrian rank, and his grandsons (CIL VI, 1634); Caius Spurius **C.f. Maximus**, *miles cohors II Praetoria centuriae Ebuli Iusti*, dedicated by his brother Aulus Spurius, who must have been a freeborn Roman citizen (CIL VI, 2476); Marcus Macrinus Avitus **M.f. Claudia** Catonius Vindex, *consul suffectus* in AD 154, dedicated by his wife Iunia Flaccinilla and daughter Macrinia Rufina, who were likely Roman freeborn citizen, and of senatorial rank (CIL VI, 1449); Lucius Neratius Spondon **L. Nerati Prisci lib.**, dedicated by his father Neratius Spondon, clearly a freed slave, and his mother Vitalis, either freed or still a slave (AE 1999, 315); Lucius Ennius **L.f. Pomptina** Optatus, dedicated by his freed slaves Lucius Ennius Threptus and Lucius Ennius Athictus (CIL VI, 2466); Caius Iulius **C.f. Voltinia** Silvanus, *speculator*, dedicated by his freed slave Iulia Ecloge (CIL VI, 3607); See also the following selection of examples for which the legal status of the dedicators cannot be discerned with certainty, but which likely included several freeborn individuals: Marcus Attius **M.f. Oufentina** Agrippa, dedicated by his mother Utia Crispina (AE 1990, 95); Titus Flavius **T.f. Lagonius** Heros, dedicated by his brother Titus Flavius Iucundus (CIL VI, 1883); Quintus Plotius **Q.f. Celer**, dedicated by his grandmother Utili(li)a Alce (AE 2011, 414); Cnaeus Cornelius **Cn.f. Sabatina** Musaeus, dedicated by his wife Herennia Priscilla (CIL VI, 8468); Titus Aurelius **T.f. Pomptina** Clito, dedicated by his parents Aurelius Nicephorianus and Filumene (CIL VI, 2192); Petronianus **Aug. lib.**, dedicated by his friends Iulius Tannonius and Caecilius Proculus, and his father Aurelius Hermes, himself likely a freed slave, possibly an imperial freedman (AE 1957, 127); Caius Luciferus **Aug. lib.**, dedicated by his wife Numisia Faustina (BMonMus 1988, 130); Agatha Sabina **Aug. lib.**, dedicated by his relation (likely his partner) Publius Marcus Dardanus (CIL VI, 11221).

#### IV Distribution of legal statuses in the '*in fronte pedes, in agro pedes*' inscriptions from Picenum, Umbria and Samnium

Each inscription is classified according to the status of the first identifiable name that records any indicator, even if same inscriptions obviously record individuals of different statuses (for example CIL IX, 5105 – Publius Fadius P.f. Velina Gratus and his wife Vettia Severa, an *incerta*). The main aim of the investigation is to assess the percentage of inscriptions that recorded *incerti* only.

In Picenum, 82 documents employed the formula "*in fronte pedes, in agro pedes*", but 21 did not include any name or were too fragmentary to be used in the present study, 16 had the first name with an identifiable status indicator recorded with either filiation or the voting tribe, 31 had the first name with an identifiable status indicator recorded with libertination, and 8 recorded *incerti* only. Percentage of inscriptions recording *incerti* only: **15 per cent.**

In Umbria, 198 documents employed the formula "*in fronte pedes, in agro pedes*", but 90 did not include any name or were too fragmentary to be used in the present study, 35 had the first name with an identifiable status indicator recorded with either filiation of the voting tribe, 56 had the first name with an identifiable status indicator recorded with libertination, and 17 recorded *incerti* only. Percentage of inscriptions recording *incerti* only: **16 per cent.**

In Samnium, 161 documents employed the formula "*in fronte pedes, in agro pedes*", but 53 did not include any name or were too fragmentary to be used in the present study, 31 had the first name with an identifiable status indicator recorded with either filiation of the voting tribe, 58 had the first name with an identifiable status indicator recorded with libertination, and 19 recorded *incerti* only. Percentage of inscriptions recording *incerti* only: **18 per cent.**

V A dedication to Septimius Severus, by some of the veterans of the Legio II  
Traiana Fortis

Main editions: CIL VI, 6580; CIL III, 1245; AE 1974, 112.

### Fragment A

Imp(eratori) Caesari  
L(ucio) Septimio Severo Pertinaci  
Aug(usto) pontif(ici) max(imo) trib(unicia) pot(estate) II  
imp(eratori) III co(n)s(uli) II proco(n)s(uli) p(atri) p(atriae)  
**5** veterani leg(ionis) II Tr(aianae) Fort(is) missi  
honestam missionem qui militare  
coeperunt Aproniano et Paulo  
[consulibus II quibus] et perpetuam  
[immunitatem ---]

-----

### Fragment B

((centuria)) Mari Fusciani  
[---]tius C(ai) f(ilius) Pup(inia) Tertullinus Paraetonio  
[---]vius T(iti) f(ilius) Col(lina) Maximus Caesarea  
[---]ius L(uci) f(ilius) Pol(lia) Appianus Castris  
**5** coh(ors) II  
((centuria)) Faustiana  
[---]onius L(uci) f(ilius) Col(lina) Valerianus Antioch(ia) tub(icen)  
[Aur]elius T(iti) f(ilius) Pol(lia) Alexander Castris  
[---]ilius M(arci) f(ilius) Col(lina) Rufus Nicomed(ia)  
**10** [---]s P(ubli) f(ilius) Pol(lia) Isidorus Thebes  
((centuria)) Aemili Ammoni  
[---]s C(ai) f(ilius) Col(lina) Priscillianus Caesar(ea) sig(nifer)  
((centuria)) Aureli Antigoni  
[---]ius M(arci) f(ilius) Pol(lia) Capitolinus b(eneficiarius) pr(aefecti) cas(trorum)  
**15** [---]ius M(arci) f(ilius) Pol(lia) Sarapammon Tani(te)



(((centuria))) Paterniana  
 [---]us L(uci) f(ilius) Pol(lia) Dionysius Cas(tris)  
 (((centuria))) Attidiana  
 [---] C(ai) f(ilius) Pol(lia) Dioscorus Cas(tris)  
**20** (((centuria)) ---]ioni Luciani  
 [---] L(uci) f(ilius) Pol(lia) Ischyron Cas(tris)  
 coh(ors) III  
 (((centuria)) ---]isti Macronis  
 [---] Ammonius Alex(andria) sig(nifer)  
**25** (((centuria)) ---] Vitalis  
 [---] f(ilius) (P)ol(lia) Dionysius Cas(tris)  
 [---] Pol(lia) Serenus Castr(is) tesser(arius)  
 (((centuria)) ---]na [---] Pol(lia) Bassus Sam(o)sata optio  
 [---] Pol(lia) Marcus Kastris  
**30** [---] Antoninus Castr(is)

-----

### Fragment C

((centuria)) Gauriana  
 [Au]relius f(ilius) Papir(ia) Iulianus Had(rumeto)  
 coh(ors) V  
 (centuria) Celeriana  
**5** M(arcus) Gabinius M(arci) f(ilius) Ammoniatu(s) Castr(is)  
 ((centuria)) Fl(avi) Philippiani  
 T(itus) Aurelius T(iti) fil(ius) Pol(lia) Chaeremonianus Castr(is)  
 C(aius) Valerius C(ai) fil(ius) Col(lina) Apollinaris Hierapol(i)  
 ((centuria)) Severiana  
**10** M(arcus) Aurelius Pol(lia) Isidorus Alexandr(ia)  
 C(aius) Pompeius C(ai) f(ilius) Pol(lia) Serenus Kastris  
 ((centuria)) Servili Pudens / P(ublius) Aurelius Pol(lia) Proclion Alexandr(ia)  
 C(aius) Iulius C(ai) f(ilius) Pol(lia) Gemellinus Kastris

P(ublius) Aelius P(ubli) f(ilius) Pollia Sarapammon Castr(is)  
**15** T(itus) Aurelius T(iti) f(ilius) Pollia Apollinaris Castr(is)  
M(arcus) Furfianus M(arci) f(ilius) Col(lina) Longus Paraeton(io)  
((centuria)) Mariniana  
M(arcus) Aurelius M(arci) f(ilius) Pol(lia) Herodes Castris  
coh(ors) VI  
**20** ((centuria)) Octavi Avelliani  
**M(arcus) Aurelius Pol(lia) Focion Alexan(dria)**  
**M(arcus) Aurelius Pol(lia) Sarapammon C[astris]**  
**M(arcus) Aurelius Pol(lia) Germanus IV[---]**  
((centuria)) Aureli Flaviani  
**25** L(ucius) Hapion L(uci) f(ilius) Pol(lia) Demetrius C[astris]  
((centuria)) Secundiniana  
**M(arcus) Aurelius Po(lia) Apollos Castris**  
L(ucius) Aurelius L(uci) f(ilius) Pol(lia) Chaeremonian(us) Cast(ris)  
coh(ors) VII  
**30** ((centuria)) Aeli Liberalis  
C(aius) Ulpus C(ai) fil(ius) Col(lina) Solon Philadelfia [---]  
((centuria)) Baebi Marcellini  
C(aius) Cornelius C(ai) fil(ius) Pol(lia) Firmus Castr(is) sig(nifer)  
M(arcus) Iulius M(arci) fil(ius) Col(lina) Carpophorus Pa[raetonio]  
**35** L(ucius) Ravillius L(uci) fil(ius) Arn(ensi) Celer Carth(agine)  
C(aius) Iulius C(ai) f(ilius) Pol(lia) Isidorus Castris  
((centuria)) Clementiana  
M(arcus) Aurelius M(arci) fil(ius) Pol(lia) Marcus  
C(aius) Iulius C(ai) f(ilius) Col(lina) Serenus C[---]  
**40** M(arcus) Ati[l]ius M(arci) f(ilius) Col(lina) Mucia(nus)  
C(aius) Iulius C(ai) f(ilius) [---]  
((centuria)) [---]  
L(ucius) Valeri[us ---]  
-----

VI Use of filiation in Latin inscriptions commissioned by non-Roman individuals: CIL  
XI, 5390 vs. Imlt, Asisum 1.

An emblematic instance of borrowing of the Latin filiation is offered by an inscription dated around 140 to 100 BC, which was set up in the city centre of the non-Roman city of Asisium to commemorate the construction of a wall curated by the local magistrates, the *marones*, under the instruction of the senate.<sup>849</sup> Although none of the *marones* were probably either Roman or Latin citizens,<sup>850</sup> the inscription records their names with Latin filiation, instead of the traditional Umbrian one. However, one of them, Ner. Babrius, is also mentioned in a second inscription, a *cippus* used for delimiting a sacred boundary, where his and the other magistrates' filiation was given in the standard Umbrian fashion.<sup>851</sup> While both documents are written in the Latin alphabet, the second one is nonetheless in the Umbrian language and mostly follows Umbrian epigraphic conventions; whereas the first one is in Latin, and adheres to Latin epigraphic practices. Given the different linguistic choices for the two documents, it is evident that, in commissioning the first one, the *marones* had decided to opt for the Latin language because of the markedly public nature of the inscription.<sup>852</sup> In keeping with Latin epigraphic practices, the magistrates had naturally rendered their filiation in the corresponding 'Latin' form, without any particular regard of what semantic meaning a native user of the epigraphic medium might have instead attributed to 'Latin' filiation.

While inscriptions like the one from Asisium are extremely rare, the inclusion of a Latin-like form of filiation in non-Latin inscriptions is slightly more often documented, but again it cannot be excluded that some of the men and women who adopted the practice were actually Roman citizens – albeit non-native Latin-speakers.<sup>853</sup> Regardless, it should be stressed again that borrowing is a common linguistic (and epigraphic) phenomenon,<sup>854</sup> and the action of borrowing does not automatically imply a desire of the borrower to adhere to the conventions of the community from which

---

<sup>849</sup> CIL XI, 5390.

<sup>850</sup> For a discussion of the political institutions of the Umbrian region before the Social War, see Bradley 2000.

<sup>851</sup> Imlt, Asisium 1.

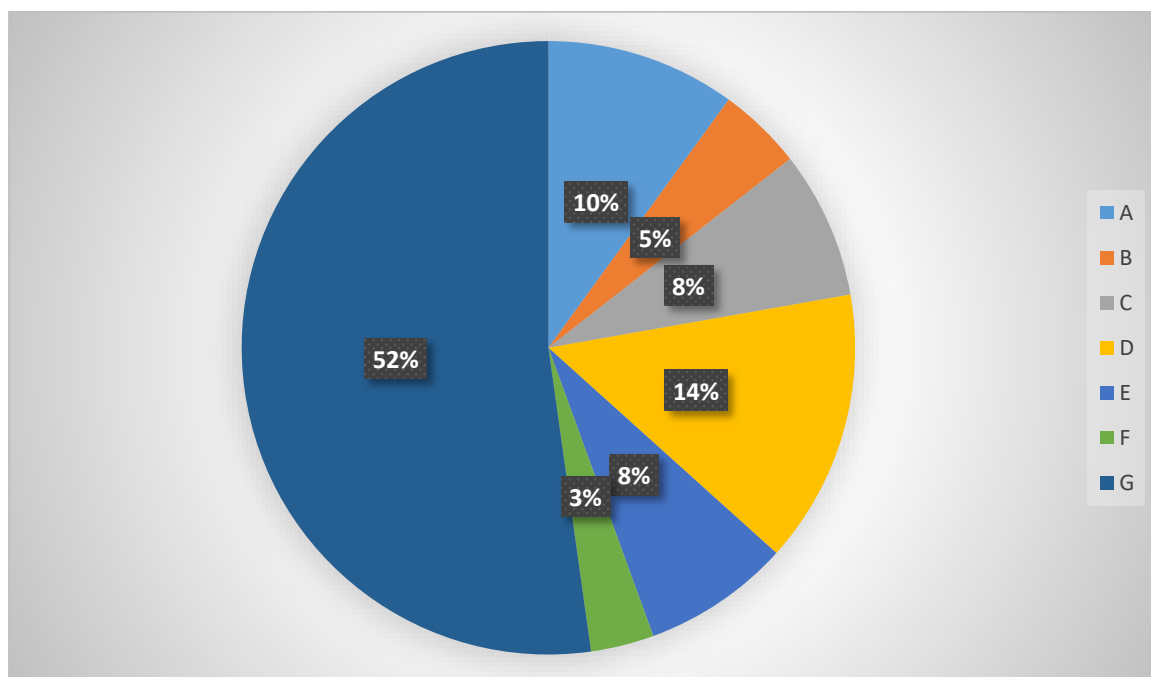
<sup>852</sup> There is also the possibility that the *senatus sententia* mentioned in the inscription was not a deliberation of the local assembly, but rather of the Roman Senate. If that is the case, then the adoption of the Latin language for this particular inscription might be consequence of the fact that the *marones* were acting according to the indications of the Roman Senate.

<sup>853</sup> For example: Imlt, Corfinium 3 and 32; Calatia 7.

<sup>854</sup> Langslow 2012.

the language or the epigraphic practices hail. Therefore, the occasional adoption of 'Latin' filiation by non-Roman or non-Latin individuals does not necessarily reflect what semantic meaning that onomastic element had acquired, by then, at Rome and in the other communities of Roman or Latin right.

VII Classification of the individuals from Ostia enrolled in the Palatina, according to their onomastic record



Graph. 1 – The Ostian *tribunes* of the Palatina

A) Sons of freedmen:

- I. C. Novius C.f. Pal. Statilius (son of C. Novius C.l. Philetus): ZPE 81, 240.
- II. A. Egrilius A.f. Pal. Magnus (son of A. Egrilius Heliades **sevir Augustalis et quinquennalis**), **praetor primus sacris Vulkani faciundis**: AE 1996, 304.
- III. P. Attius P.f. Pal. Silianus (son of P. Attius P. et I. Felicio, **sevir Augustalis et quinquennalis**) **praetor sacris Vulkani faciundis**: AE 1988, 202.
- IV. P. Attius P.f. Pal. Felix, (possibly son of P. Attius P. et mulieris I. Tyranus): AE 1988, 202.
- V. Lucius Faecenius L.f. Pal Agricola (son of L. Faecenius L.l[ib. ---]): AE 1971, 69.
- VI. P. Celerius P.f. Pal. Amandus (son of P. Celerius P.l. Chryseros), **decurio**: AE 1988, 196; CIL XIV, 321.
- VII. L. Calpurnius L.f. Pal. Chius Felicissimus (son of L. Calpurnius Chius, **sevir Augustalis et quinquennalis**): CIL XIV, 309.
- VIII. A. Livius A.f. Pal. [---] (son of A. Livius Anteros, Augustalis), **patronus collegi fabrum tignuarorum**: CIL XIV, 4656.
- IX. M. Marius M.f. Pal. Primitivus (son of M. Marius M.l. Primitivus, **sevir Augustalis**), CIL XIV, 5327.

B) Individuals associated to freedmen:

- I. Publius Paconius Spu. f. Pal.: EpOst 759.
- II. M. Cassius T.f. Pal. Fatalis (son of Cassia M.I. Calibe): CIL XIV, 783.
- III. M. Valerius M.f. Pal. Masclinus, (son of Valeria M.I. Thryposae): CIL XIV, 1728.
- IV. C. Attius Pal Attianus, (brother of P. Attius P. et D I. Felicio): AE 1988, 202

C) Individuals not associated to freedmen, who bear a Greek *cognomen*

- I. [---] Atilius T.f. Pal. Glyco: CIL XIV, 4307.
- II. C. Iunius Pal. Euhodus, **magister q.q. collegii fabrum tignunariorum**: CIL XIV, 371.
- III. L. Licinius L.f. Pal. Herodes, **eq. Romanus, consularis** and **Ilvir**: CIL XIV, 373.
- IV. D. Lutatius D.f. Pal Charitonianus: **eq. Romanus**, CIL XIV, 378.
- V. [---] Cornelius [-]f. Pal [---]nthianus: CIL XIV, 868.
- VI. [---] Atilius T.f. Pal. Glyco: CIL XIV, 4307.
- VII. C. Domitius L.f. Pal. Fabius Hermogenes, **eq Romanus**: CIL XIV, 4642.

D) Individuals not associated to freedmen, who bear an imperial *nomen*

- I. P. Flavius P.f. Pal. Priscus, **egregius vir** and **patronus coloniae**: CIL XIV, 445; AE 1955, 175.
- II. P. Aelius P.f. Pal. Lucianus: CIL VI, 3884.
- III. L. Aurelius L.f. Pal. Fortunatianus, **praetor primus sacris Volkani**: CIL XIV, 306.
- IV. Lucius Flavius L.f. Pal. Victor, **primopilaris legio XI Claudia Alexandriana**: AE 1972. 504.
- V. M. Aurelius M.f. Pal. Sextianus, **centurio frumentarius**: CIL VIII, 2825.
- VI. C. Iulius C.f. Pal. Viator: CIL VI, 3884.
- VII. M. Iulius M.f. Pal. Felix: CIL VI, 3884.
- VIII. C. Iulius C.f. Pal. Saturninus: CIL VI, 3884.
- IX. C. Iulius C.f. Pal. Rogatianus: CIL VI, 3884.
- X. Caius Iulis C.f. Pal. Cornelianus: AE 1987, 199.
- XI. Ti. Claudius Ti.f. Pal. Quartinus: **curio**, CIL XIV, 4473.
- XII. [---] Claudius Ti.f. Pal. Numisianus: **praefectus cohortis** and **patronus coloniae**, AE 1988, 185.

XIII. T. Flavius T.f. Pal. Verus: **eq. Romanus**: CIL XIV, 166, 167 and 4453.

E) Sons of *incerti*, who bear a Latin *cognomen*

- I. P. Celerius P.f. Pal. Faustus (son of P. Celerius Faustus): CIL XIV, 793.
- II. C. Naevius P.f. Pal. Clodius Venerandus Alexander (son of P. Clodius Verus Flavius Venerandus): CIL XIV, 1388.
- III. M. Annius M.f. Pal. Proculus, **decurio**: CIL XI, 1447a.
- IV. C. Baebius C.f. Pal. Marcianus, **decurio**: AE 1987, 204.
- V. Fabius A.f. Pal. Felicianus (son A. Fabius Felix), **aediles sacris Vulkani**: CIL XIV, 351.
- VI. A. Cornelius A.f. Pal. Verus Amarantianus: AE 2015, 259.
- VII. C. Iunius C.f. Pal. Crescens: EpOst 599.

F) Sons of *incerti*, who bear an imperial *nomen*, or a Latin *cognomen*

- I. Egrilius Pal. Hedonicus (son of A. Egrilius Thallus): CIL XIV, 949.
- II. L. Aurelius L.f. Pal. Priscus (son of L. Aurelius Felix): CIL XIV, 665.
- III. Flavius C.f. Pal. Considianus (son of C. Flavius Eutyches): CIL XIV 1029.

G) Individuals not associated to freedmen, who neither an imperial *nomen*, nor a Greek *cognomen*: 45

- I. M. Marius M.f. Pal. Primitivus, **decurio**: AE 1989, 125; CIL XIV, 4553.
- II. L. Fabricius L.f. Pal. Caesennius Gallus, **eq. Rom.** and **llvir**: CIL XIV, 354.
- III. Q. Minucius Q.f. Pal. Marcellus: AE 1987, 179.
- IV. C. Aemilius C.f. Pal. [---]us, **decurio** and **llvir**: AE 1988, 201.
- V. C. Sergius Cn.f. Pal. Praenestinus: NSA 1953, 250.
- VI. P. Lucretius P.f. Pal. Ostiensis: EpOst 643.
- VII. L. Volusius L.f. Pal. Maecianus **praefectus Aegypti**: CIL XIV, 5348
- VIII. A. Egrilius A.f. Pal. Magnus: CIL XV, 4899.
- IX. [---]nius A.f. A.n Pal. Fidis: CIL XIV, 4927.
- X. [---]nius A.f. Pal. Crispinus: CIL XIV, 4972.
- XI. D. Laberius [-] f. Pal. Fronto: CIL XIV. 4993.
- XII. D. Laberius D.f. Pal. Fronto (iunior): CIL XIV, 4993.
- XIII. M. Cornelius M.f. Pal. Staius: CIL XIV, 4875.
- XIV. C. Cartilius C.f. Pal. Sabinus **llvir** and **patronus coloniae**: AE 1968, 63.
- XV. M. Iunius M.f. Pal. Faustus, **decurio**: CIL XIV, 4142.

- XVI. C. Voltidius C.f. Pal. Priscus: CIL XI, 438.
- XVII. C. Voltidius C.f. Pal. Cavarius Priscianus: CIL XIV, 438.
- XVIII. P. Nonius P.f. Pal. Livius Anterotianus, **eq. Romanus equo publico exornato** and **decurio**: CIL XIV, 390 and 391.
- XIX. D. Iunius D.f. Pal. Bubalus Impetratus, **eq. Romanus** and **decurio**: CIL XIV, 4625.
- XX. D. Fabius D.f. Pal. Florus Veratius (or Veranus), **Ilvir**: CIL XIV, 352-
- XXI. M. Cornelius M.f. Pal. Valerianus Epagathianus, **eq. Romanus** and **decurio**: CIL XIV, 341.
- XXII. M. Cornelius M.f. Palat. Valerianus, **decurio**: CIL XIV 341.
- XXIII. L. Combarisius L.f. Pal. Vitalis, **eq. Romanus** and **Ilvir**: CIL XIV, 335.
- XXIV. A. Decimius A.f. Pal. Decimianus: CIL XIV, 60 and 61.
- XXV. Cassius C.f. Pal. Augustalis, **decurio**: AE 1988, 184.
- XXVI. C. Ovinus Palatina Antonianus, **scriba cerarius**: AE 1988, 195.
- XXVII. L. Pompeius Q.f. Pal. Hon[or]atus: RMD 04, 308.
- XXVIII. Q. Amullius Q.f. Pal. Vitalis: CIL VI, 3884.
- XXIX. L. Pompeius L.f. Pal. Victorinus: CIL VI, 3884.
- XXX. C. Aemilius C.f. Pal. Felix: CIL VI, 3884.
- XXXI. T. Clodius T.f. Pal. Maximus: CIL VI, 3884.
- XXXII. L. Annidius L.f. Pal. Saturninus: CIL VI, 3884.
- XXXIII. L. Caecilius L.f. Pal. Sula: CIL VI, 3884.
- XXXIV. L. Caecilius L.d. Pal. Victor: CIL VI, 3884.
- XXXV. Q. Caelius Q.f. Pal. Pudens: CIL VI, 3884.
- XXXVI. M. Licinius M.f. Pal. Florus: CIL VI, 3884.
- XXXVII. M. Fulvius M.f. Pal. Pudens: CIL VI, 3884.
- XXXVIII. M. Iunius M.f. Pal. Titianus: CIL VI, 3884.
- XXXIX. Q. Castricius Q.f. Pal. Saturninus : CIL VI, 3884.
- XL. Q. Furfanius Q.f. Pal. Fortunatus: CIL VI, 3884.
- XLI. M. Aeretius M.f. Pal. Successus: CIL VI, 3884.
- XLII. M. Lollius M.f. Pal. Rusticus: CIL VI, 3884.
- XLIII. Q. Valerius Q.f. Pal. Calpurnianus: CIL VI, 3884.
- XLIV. C. Fundanius C.f. Pal. Nedumus: CIL VI, 3884.
- XLV. Q. Aemilius Q.f. Pal. Datus: CIL VI, 3884.
- XLVI. A. Egrilius A.f. Pal. Hilarianus: AE 1996, 310.



XLVII. A. Egrilius A.f. Pal. Malius Pulcher, *aedilis sacris Vulkani faciundis* and *praetor secundus*: SEBarc 15, 74.1.

## VIII The layout of the epitaph of Anicetus

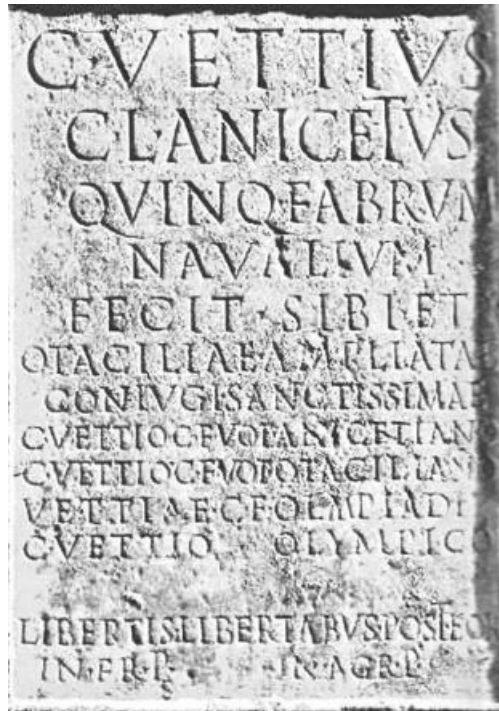


Fig. 1 - Epitaph of Anicetus (from Lorient and Tran 2009, 242)

The general layout of the inscription indicates that, at line 11, the wide gaps between the *nomen* and the interpunct, and between the interpunct and the *cognomen*, cannot be the result of an attempt to adopt a more harmonious spacing that could allow the stone cutter to occupy the whole line. At line 7, there is a noticeable gap between the left epigraphic frame and the beginning of the text (CONIUGI·SANCTISSIMAE), and a smaller gap between the end of the text and the left frame. The beginning and end of line 7 are not aligned with the beginning and end of the lines which precede and follow it, which indicates that distributing the text evenly was not a paramount concern for the stone cutter. The impression is further reinforced by the gaps at the beginning of lines 2 and 3, and by the gap between the end of line 10 and the right epigraphic frame. Moreover, if the stone cutter had not intended the name at line 11 to be amended at a later time, he would have adopted a wider spacing between the *nomen* and the *cognomen*, if the intent was to distribute the text more harmoniously. Thus, the gap in the name of Caius Vettius Olympicus was clearly designed to be filled at a later date: and it could accommodate two letters and two additional interpuncts. Once amended and expanded, the text (C·VETTIO·C·L·OLYMPICO) would have occupied the whole line.

Main editions: CIL VI, 2384 + 3384 + 32526.

## Fragment A

### Column I

coh(ors) XII urb(ana):  
((centuria)) Marcelli,  
Laterano et Rufino co(n)s(ulibus)  
C(aius) Rubrius C(ai) f(ilius) Poll(ia) Ursus Mut(ina)  
**5** L(ucius) Herennius L(uci) f(ilius) Flav(ia) Ianuarius Rom(a)  
Ti(berius) Claudius Ti(beri) f(ilius) Fal(erna) Primus Cap(ua)  
L(ucius) Fagigulanius L(uci) f(ilius) Vol(tinia) Celadus Fag(ifulis)  
L(ucius) Aurelius L(uci) f(ilius) Aem(ilia) Artemas Durr(achio)  
L(ucius) Cocceius L(uci) f(ilius) Pol(lia) Clemens Ostra  
**10** Q(uintus) Amullius Q(uinti) f(ilius) Pal(atina) Vitalis Ost(ia)  
opt(io) a bal(neis) P(ublius) Aelius P(ubli) f(ilius) Pal(atina) Lucianus Ost(ia)  
Saturnino et Gallo co(n)s(ulibus),  
T(itus) Aelius T(iti) f(ilius) Hermogenes Dur(rachio)  
L(ucius) Pompeius L(uci) f(ilius) Pal(atina) Victorinus Ost(ia)  
**15** L(ucius) Minnius L(uci) f(ilius) Fal(erna) Nestor Tel(esia)  
C(aius) Farracius C(ai) f(ilius) For(o) Marcellus Brin(tanorum)  
M(arcus) Orbius M(arci) f(ilius) Maec(ia) Felix Neap(oli)  
C(aius) Constantius C(ai) f(ilius) Nuc(eri) Tertius Cons(tantia)  
M(arcus) Vin(i)c(ius) M(arci) f(ilius) Iul(ia) Ianuarius Emon(a)  
**20** C(aius) Iulius C(ai) f(ilius) Pal(atina) Viator Ost(ia)  
Laterano et Rufino co(n)s(ulibus),  
((centuria)) Prisciani:  
L(ucius) Valerius L(uci) f(ilius) An{n}(iensi) Primus Verc(ellis)  
T(itus) Haterius T(iti) f(ilius) Fab(ia) Rusticus Rom(a)  
**25** M(arcus) Antonius M(arci) f(ilius) Fab(ia) Valens Pata(vio)  
C(aius) Granius C(ai) f(ilius) Fab(ia) Priscus Ebur(o)  
M(arcus) Durnius M(arci) f(ilius) Pal(atina) [---]entinus Sutr(io)  
im(agini)f(er) c(ohortis) pr(ior) M(arcus) Iulius M(arci) f(ilius) Pal(atina)  
[Feli]xs Ost(ia)  
[t]ess(erarius) C(aius) Aemilius C(ai) f(ilius) Stel(latina) Octavianus Urv(ino)  
**30** C(aius) Aemilius C(ai) f(ilius) Pal(atina) Felix Ost(ia)  
M(arcus) Curtius M(arci) f(ilius) Stel(latina) Mesticus Ven(afro)  
C(aius) Clodius C(ai) f(ilius) Cam(ilia) Saturninus Rav(enna)  
Saturnino et Gallo co(n)s(ulibus),  
C(aius) Sestius C(ai) f(ilius) Fal(erna) Secundus Caud(io)  
**35** L(ucius) Aemilius L(uci) f(ilius) Aem(ilia) Regillus Fund(is)  
L(ucius) Gargilius L(uci) f(ilius) Sab(atina) Septimus Amit(erno)  
M(arcus) Cluvius M(arci) f(ilius) Cam(ilia) Urbanus Rav(enna)  
[---] f(ilius) Fab(ia) Secundinus Rom(a)  
[---] Vic[tor] Ro[ma]

## Column II

((centurio)) leg(ionis) C(aius) Vallius C(ai) f(ilius) Fab(ia) Pollianus Rom(a) XVI  
 F(laviae) f(irmae)  
 L(ucius) Afranius L(uci) f(ilius) Poll(ia) Sedatus Sutr(io)  
 L(ucius) Roscius L(uci) f(ilius) Scapt(ia) Rufus Flor(entia)  
 C(aius) Statius C(ai) f(ilius) Pal(atina) Crescens Puteol(is)  
**5** L(ucius) Annius L(uci) f(ilius) Fab(ia) Pudens Rom(a)  
 ((centuria)) luventini:  
 Laterano et Rufino co(n)s(ulibus),  
 A(ulus) Oppius A(uli) f(ilius) An{n}(iensi) Titianus Crem(ona)  
 M(arcus) Aurelius M(arci) f(ilius) Cam(ilia) Iuvenis Rav(enna)  
**10** C(aius) Cornelius C(ai) f(ilius) Off(entina) Tato Tarr(acina)  
 M(arcus) Aurelius M(arci) f(ilius) Aem(ilia) Attalus Durr(achio)  
 T(itus) Sextius T(iti) f(ilius) Stell(atina) Festus Ben(evento)  
 C(aius) Propertius C(ai) f(ilius) Fab(ia) Optatus Rom(a)  
 L(ucius) Geminius L(uci) f(ilius) Fab(ia) Arisco Rom(a)  
**15** sig(nifer) T(itus) Flavius T(iti) f(ilius) Aemil(ia) Iustinus Dob(ero)  
 Ti(berius) Claudius Ti(beri) f(ilius) Aemil(ia) Priscus Dob(ero)  
 T(itus) Clodius T(iti) f(ilius) Pal(atina) Maximus Ost(ia)  
 L(ucius) Antonius Q(uinti) f(ilius) Fab(ia) Augustalis Rom(a)  
 L(ucius) Annidius L(uci) f(ilius) Pal(atina) Saturninus Ost(ia)  
**20** Saturnino et Gallo co(n)s(ulibus),  
 M(arcus) Aurelius M(arci) f(ilius) Aemil(ia) Pudens Dob(ero)  
 L(ucius) Vibius L(uci) f(ilius) Fab(ia) Threptus Rom(a)  
 T(itus) Attius T(iti) f(ilius) Cl(audia) Leo Interam(na) Pre(tuttianorum)  
 L(ucius) Caecilius L(uci) f(ilius) Pal(atina) Sula Ost(ia)  
**25** L(ucius) Caecilius L(uci) f(ilius) Pal(atina) Victor Ost(ia)  
 ((centuria)) Severiani:  
 Laterano et Rufino co(n)s(ulibus),  
 M(arcus) Valerius M(arci) f(ilius) Flav(ia) Proculus Puteol(is)  
 M(arcus) Ulpus M(arci) f(ilius) Cl(audia) Maximus Misen(o)  
**30** Q(uintus) Crepereius Q(uinti) f(ilius) Fab(ia) Pudens Rom(a)  
 C(aius) Gallenius C(ai) f(ilius) Aug(usta) Secundus Treb(a)  
 T(itus) Raesius T(iti) f(ilius) Aug(usta) Iustinus Treb(a)  
 L(ucius) Aelius L(uci) f(ilius) Fl(avia) Demetrianus Puteol(is)  
 L(ucius) Utilius L(uci) f(ilius) Poll(ia) Sabinianus Fan(o) Fort(unae)  
**35** M(arcus) Vibius M(arci) f(ilius) Poll(ia) Antiquus Parm(a)  
 C(aius) Mollius C(ai) f(ilius) Ofen(tina) Noetus Priv(erno)  
 Q(uintus) Sextilius Q(uinti) f(ilius) Fab(ia) Maximus Rom(a)  
 L(ucius) Cassius L(uci) f(ilius) O(u)fent(ina) Veturianus Mediol(ano)  
 C(aius) Papius C(ai) f(ilius) Aug(usta) Restutus Treb(a)  
**40** L(ucius) Pullaienus L(uci) f(ilius) Fl(avia) Primus Puteol(is)  
 L(ucius) Valerius T(iti) f(ilius) Fab(ia) Annianus Rom(a)  
 M(arcus) Cossutius M(arci) f(ilius) Fab(ia) Proculeianus Mev(ania)  
 M(arcus) Trutelius M(arci) f(ilius) Men(enia) Liberalis Praen(este)  
 C(aius) Iulius C(ai) f(ilius) Pal(atina) Saturninus Ost(ia)  
**45** Saturnino et Gallo co(n)s(ulibus),  
 sig(nifer) T(itus) Celsius T(iti) f(ilius) Men(enia) Crescens Praen(este)  
 Q(uintus) Torbius Q(uinti) f(ilius) Fal(erna) Tertullinus Alif(is)  
 Q(uintus) Caelius Q(uinti) f(ilius) Pal(atina) Pudens Ost(ia)  
 C(aius) Vettius C(ai) f(ilius) O(u)fent(ina) Vitalis Tarr(acina)  
**50** C(aius) Narius C(ai) f(ilius) Stel(latina) Proculus Asis(io)

L(ucius) Pactu[mei]us L(uci) f(ilius) [---] Campanus Alif(is).

### Column III

coh(ors) XIII urb(ana)

((centuria)) Heliodori:

Laterano et Rufino co(n)s(ulibus),

M(arcus) Octavius M(arci) f(ilius) Pal(atina) Lateranus Puteo(lis)

**5** Q(uintus) Concordius Q(uinti) f(ilius) Avei(a) Verecundus Vest(inorum)

L(ucius) Fullonius L(uci) f(ilius) Cl(audia) Magnus Grav(iscis)

C(aius) Safinius C(ai) f(ilius) Fab(ia) Primus Trebl(a)

L(ucius) Lucilius L(uci) f(ilius) Pal(atina) Saturninus Puteo(lis)

Q(uintus) Agrinius Q(uinti) f(ilius) Pal(atina) Saturninus Puteo(lis)

**10** M(arcus) Aurelius M(arci) f(ilius) Pal(atina) Annianus Puteo(lis)

C(aius) Cornelius C(ai) f(ilius) Pal(atina) Felix Puteo(lis)

cor(nicularius) tr(ibunus) A(ulus) Saenius A(uli) f(ilius) Papir(ia) Rosclus Sut(ri)o

Saturnino et Gallo co(n)s(ulibus),

L(ucius) Papirius L(uci) f(ilius) Cam(ilia) Victor Raven(na)

**15** M(arcus) Aelius M(arci) f(ilius) Torquatus Durr(achio)

T(itus) Antonius T(iti) f(ilius) Profuturus Veron(a)

L(ucius) Messius L(uci) f(ilius) Cam(ilia) Eumorfus Suas(a)

P(ublius) Acilius P(ubli) f(ilius) Rom(ilia) Cinnamus Atest(e)

L(ucius) Vivennius L(uci) f(ilius) Poment(ina) Rufinus Vols(iniis)

**20** M(arcus) Valerius M(arci) f(ilius) Fal(erna) Marcianus Capua

evo(catus) L(ucius) Septimius L(uci) f(ilius) Sept(imio) Maximus Tusdr(o)

((centuria)) Felicis:

Laterano et Rufino co(n)s(ulibus),

((centurio)) tr(ecenarius) L(ucius) Hostorius L(uci) f(ilius) Pal(atina) Crescentianus

Pute(olis)

**25** C(aius) Munisius C(ai) f(ilius) Fal(erna) Maximus Capua

L(ucius) Venuleius L(uci) f(ilius) Fab(ia) Irenaeus Luca

Sex(tus) Livius Sex(ti) f(ilius) Ael(ia) Urbicianus Mevan(ia)

M(arcus) Ulpius M(arci) f(ilius) Iul(ia) Valerius Emon(a)

C(aius) Iulius C(ai) f(ilius) An(ni) Proclianus Sut(ri)o

**30** L(ucius) Granius L(uci) f(ilius) Fab(ia) Victor Rom(a)

T(itus) Ovedius T(iti) f(ilius) Pom(ptina) Sucessus Amer(ia)

C(aius) Petidius C(ai) f(ilius) Fal(erna) Felicissimus Cap(ua)

M(arcus) Licinius M(arci) f(ilius) Pal(atina) Florus Ost(ia)

T(itus) Aelius T(iti) f(ilius) Aem(ilia) Lucinus Durr(achio)

**35** C(aius) Oscius C(ai) f(ilius) Cam(ilia) Iulianus Rav(enna)

Q(uintus) Cornutius L(uci) f(ilius) Pal(atina) Honoratus Puteo(lis)

C(aius) Vatinius C(ai) f(ilius) Cam(ilia) Extricatus Rav(enna)

Saturnino et Gallo co(n)s(ulibus)

L(ucius) Gallonius L(uci) f(ilius) Pal(atina) Saturninus Os(tia)

**40** L(ucius) Su[---]s L(uci) f(ilius) [---]inus Praen(este)

[---] Rom(a)

### Column IV

M(arcus) Fulvius M(arci) f(ilius) Pal(atina) Pudens Ost(ia)

M(arcus) Iunius M(arci) f(ilius) Pal(atina) Titianus Ost(ia)

D(ecimus) Pompeius D(ecimi) f(ilius) Fal(erna) Adiutor Cap(ua)

P(ublius) Caesius P(ubli) f(ilius) An(ni) Sabinus Arim(ino)

**5** L(ucius) Aemilius L(uci) f(ilius) Papi(ria) Maximus Nar(nia)

Q(uintus) Castricius Q(uinti) f(ilius) Pal(atina) Saturninus Ost(ia)

Q(uintus) Furfanius Q(uinti) f(ilius) Pal(atina) Fortunatus Ost(ia)  
 opt(io) M(arcus) Aeretius M(arci) f(ilius) Pal(atina) Sucessus Ost(ia)  
 M(arcus) Arruntius M(arci) f(ilius) Maec(ia) Antoninus Fund(iis)  
**10** L(ucius) Tifernius L(uci) f(ilius) Poll(ia) Verus Fan(o) Fort(unae)  
 M(arcus) Lollius M(arci) f(ilius) Pal(atina) Rusticus Ost(ia)  
 Sex(tus) Caecilius Sex(ti) f(ilius) Cam(ilia) Capitolinus Tib(ure)  
 M(arcus) Iulius M(arci) f(ilius) Fal(erna) Fortunatus Cap(ua)  
 ((centuria)) Romani:

**15** Laterano et Rufino co(n)s(ulibus),  
 ev(o)c(atus) C(aius) Atilius C(ai) f(ilius) Ofent(ina) Maximus Com(o)  
 C(aius) Flavius C(ai) f(ilius) Flav(ia) Victor Tib(ure)  
 M(arcus) Opsius M(arci) f(ilius) Fal(erna) Silvester Cap(ua)  
 Cn(aeus) Domitius Cn(aei) f(ilius) Stel(latina) Donatus Ben(evento)  
**20** Q(uintus) Valerius Q(uinti) f(ilius) Pal(atina) Calpurnianus Ost(ia)  
 M(arcus) Reginus M(arci) f(ilius) Her(aclea) Eutyches Lychn(idus)  
 L(ucius) Vibidius L(uci) f(ilius) Cam(ilia) Urbanus Rav(enna)  
 T(itus) Annius T(iti) f(ilius) Fab(ia) Felicissimus Rom(a)  
 Sex(tus) Aurelius Sex(ti) f(ilius) Ofentin(a) Ingenius Tarr(acina)  
**25** P(ublius) Petronius P(ubli) f(ilius) Iul(ia) Balbinus Epraes(---)  
 P(ublius) Arrius P(ubli) f(ilius) Scap(tia) Sabinus Altin(o)  
 M(arcus) Domitius M(arci) f(ilius) Lem(onia) Getulicus Bon(onia)  
 Saturnino et Gallo co(n)s(ulibus)  
 Q(uintus) Marcius Q(uinti) f(ilius) Ofent(ina) Marcianus Tarr(acina)  
**30** L(ucius) Pompeius L(uci) f(ilius) Vet(uria) Valerianus Plac(entia)  
 C(aius) Rutilius C(ai) f(ilius) Ser(gia) Donatus Asi[sio]  
 C(aius) Saenius C(ai) f(ilius) Stel(latina) Verecund[us]  
 M(arcus) Vettius M(arci) f(ilius) Stel(latina) Ianu[arius ---]  
 M(arcus) Iunius M(arci) f(ilius) Fal(erna) Victorin[us ---]  
**35** M(arcus) Aquilius M(arci) f(ilius) Sept(imia) Getulicu[s ---]  
 Q(uintus) Iulius Q(uinti) f(ilius) Cam(ilia) Donatu[s ---]  
 P(ublius) Volcatius P(ubli) f(ilius) Fal(erna) Publianus[s ---]  
 Q(uintus) Fuficius Q(uinti) f(ilius) Vel(ina) Felix [---]  
 L(ucius) Aebutius L(uci) f(ilius) Vel(ina) Proculu[s ---]  
**40** C(aius) Valerius C(ai) f(ilius) Iul(ia) Saturni[nus ---]  
 Q(uintus) Helvius Q(uinti) f(ilius) Pal(atina) Felix [---]  
 sig(nifer) M(arcus) Maius M(arci) f(ilius) Teana [---]  
 C(aius) Iuli[u]s C(ai) f(ilius) Iul(ia) Poc[---]  
 T(itus) Cl[---]

### Column V

C(aius) Maeter(---) C(ai) f(ilius) Vel(ina) Severus Cingl(o)  
 M(arcus) Aurelius M(arci) f(ilius) Aem(ilia) Lysimachus Durr(achio)  
 M(arcus) Aurelius M(arci) f(ilius) Aem(ilia) Alexander Durr(achio)  
 A(ulus) Crepereius A(uli) f(ilius) Iul(ia) Felix Tusdr(o)  
**5** ev(o)c(atus) L(ucius) Rufellius L(uci) f(ilius) Fab(ia) Iulianus Rom(a)  
 M(arcus) Petronius M(arci) f(ilius) Aem(ilia) Tryphon Durr(achio)  
 ((centuria)) Saturnini:  
 Laterano et Rufino co(n)s(ulibus),  
 M(arcus) Valerius M(arci) f(ilius) Fab(ia) Valerianus Rom(a)  
**10** M(arcus) Culchius M(arci) f(ilius) Stell(atina) Fortunatus Ben(evento)  
 M(arcus) Aemilius M(arci) f(ilius) Cl(audia) Felicianus I(u)va(vo)  
 C(aius) Sextilius C(ai) f(ilius) Sen(a) Renatus Iul(ia)  
 C(aius) Iulius C(ai) f(ilius) Aem(ilia) Claudianus Durr(achio)

C(aius) Catianius C(ai) f(ilius) C[lu(stumina) Ma]cer Tud(ere)

15 [---] Cap(ua)

[-----]

[-----]

[-----]

[-----]

20 [-----]

[-----]

S(purius) [---]

l[---]

O[---]

25 P[---]

f(isci) c(urator) Q[---]

sig(nifer) [---]

-----

### Fragment B

-----

[---]m m(iles) coh(ortis) [---]

[---]N[---]

[---]INV[---]

5 -----

### Fragment C

-----

A(ulus) l[---]

Sc[---]

Anto[---]

5 Q(uintus) Comin[ius ---]

L(ucius) Miscel[---]

A(ulus) Tur[---]

[ - ] l

ius
 [---]

Q(uintus) Paeto[---]

10 [ - ] Ael[---]

+ Ca[---]

-----

### Fragment D

-----

Quir(ina) [---]

[---]nius L(uci) f(ilius) Papir(ia) [---]

[---]atilius T(iti) f(ilius) Mae(cia) [---]

5 [---]ilius L(uci) f(ilius) Pal(atina) V[---]

[---]ronius L(uci) f(ilius) Sab(atina) [---]

[---]s S(puri) f(ilius) A[---]

-----

### Fragment E

-----

[---]cer II[---]  
 [---]P Felixs [---]  
 [---] Ursinus [---]  
 5 [---]ulc[---]  
 -----

### Fragment F

-----  
 [---] M(---) Al[---]  
 [---] L(---) L[---]  
 [---]S L[---]  
 5 [---]SS [---]  
 [---]O(?)[---]  
 [---]N[---]  
 [---]P[---]  
 [---]T[---]  
 10 -----

### Fragment G

-----  
 [---]M[---]  
 [---] Clem[---]  
 -----

### Fragment F

-----  
 [---]FE[---]  
 [---]S BO[---]  
 [---]us C[---]  
 5 -----

### Fragment I

#### Column I

-----  
 [---]mus Rom(a)  
 [---]itor Rom(a)  
 [---]ianus Mut(ina)  
 5 [---]cianus Tud(ere)  
 [---]mus Anco(na)  
 [---]tivus Rom(a)  
 [---]undus Tud(ere)  
 [---]tus Rom(a)  
 10 [---]ialis Rom(a)  
 [Saturnino et Ga]llo co(n)s(ulibus).

#### Column II

-----  
 opt(io) L(ucius) VII[---]  
 M(arcus) Oratius M(arci) f(ilius) Fab(ia) Heraclida Rom(a)



M(arcus) Valerius M(arci) f(ilius) Pal(atina) Cassius Puteol(is)  
 5 C(aius) Gargilius M(arci) f(ilius) Iul(ia) Saturninus Car(nunto)  
 M(arcus) Geminius M(arci) f(ilius) Num(idia) Matutinus Rusicas  
 Saturnino et Gallo co(n)s(ulibus)  
 T(itus) Flavius T(iti) f(ilius) Fab(ia) Timocrates Rom(a)  
 C(aius) Fundanius C(ai) f(ilius) Pal(atina) Nedumus Ost(ia)  
 10 Q(uintus) Selus Q(uinti) f(ilius) Cl(ustumina) Nundinus Tud(er)  
 P(ublius) Marius P(ubli) f(ilius) Fab(ia) Antiochianus Rom(a)  
 O(aius) Iulius C(ai) f(ilius) Pal(atina) Rogatianus Ost(ia)  
 tess(erarius) Q(uintus) Aemilius Q(uinti) f(ilius) Pal(atina) Datus Ost(ia).

### Column III

-----

L(ucius) Laelius L(uci) [f(ilius) ---]  
 M(arcus) Pompeius M(arci) f(ilius) Pal(atina) Fe[---]  
 Saturnino et Gal[lo co(n)s(ulibus)],  
 5 M(arcus) Ilotius M(arci) f(ilius) Pal(atina) Saturn[inus ---]  
 M(arcus) Alledius M(arci) f(ilius) Fal(erna) [---]  
 C(aius) Vibius C(ai) f(ilius) Men(enia) [---]  
 C(aius) Rufrenius C(ai) f(ilius) Fab(ia) [---]  
 M(arcus) M <a> rius M(arci) f(ilius) Pal(atina) F[---]  
 10 sig(nifer) C(aius) Pestorius C(ai) f(ilius) Crust(umina) P[---].

### Conclusions

## **LIST OF ILLUSTRATIONS**

1. Epitaph of Anicetus (from Lorient and Tran 2009, 242), 247.



## **BIBLIOGRAPHY**

- Alföldy, G. 1966: 'Note sur la relation entre le droit de cité et la nomenclature dans l'Empire romain', *Latomus* 25, 35-57.
- Alföldy, G. 1986: 'Latinische Bürger in Brigantium und im Imperium Romanum', *Bayerische Vorgeschichtsbldtter* 51, 187-220.
- Andreau, J., and Descat, R. 2006: *Esclave en Grèce et à Rome*, Paris.
- Arangio-Ruiz, V., and Pugliese Carratelli, G. 1955: 'Tabulae Herculaneenses V', *La parola del passato* 40, 448-77.
- Arangio-Ruiz, V. 1959: 'IV - Tavolette ercolanesi (il processo di Giusta)', *Bullettino dell'Istituto di Diritto Romano "Vittorio Scialoja"* 1, 223-45.
- Arangio-Ruiz, V. 1960: *Storia del Diritto Romano* (7<sup>th</sup> edition), Naples.
- Avenarius, M. 2005: *Der pseudo-ulpianische liber singularis regularum. Entstehung, Eigenart und Überlieferung einer hochklassischen Juristenschrift*, Göttingen.
- Bakkum, G. 2009: *The Latin Dialect of the Ager Faliscus: 150 years of scholarship*, Amsterdam.
- Baldassarre, I., Bragantini, I., and Dolciotti, A. M. 1985: 'La necropoli dell'Isola Sacra. Campagne di scavo 1976-1979', *Quaderni De 'La Ricerca Scientifica'* 112, 261-302.
- Baldson, J. P. V. D. 1979: *Romans and Aliens*, London.
- Bargagli, B., and Grosso, C. 1997: *I Fasti Ostienses. Documento della storia di Ostia*, Rome.
- Beard, M (2015): 'Writing and ritual: A study of diversity and expansion in the Arval Acta', *Papers of the British School at Rome* 53, 114-62.
- Bell, S., and Ramsby, T. (eds) 2012: *Free at last! The Impact of Freed Slaves on the Roman Empire*, London.
- Bellen, H., and Heinen, H. 2001: *Fünfzig Jahre Forschungen zur antiken Sklaverei an der Mainzer Akademie 1950–2000. Miscellanea zum Jubiläum*, Stuttgart.
- Berbenni, P. (ed) 2008: *Minerva Medica in Valtrebbia. Scienze storiche e scienze naturali alleate per la scoperta del luogo di culto. Atti del Convegno tenuto il 7 ottobre 2006 in Travo (PC)*, Sesto Fioretino.

Bernard, S. G. 2016: 'Food distributions and immigration in imperial Rome', in De Ligt and Tacoma 2016, 50-71.

Bingham, S. 2012: *The Praetorian Guard. A History of Rome's Elite Special Forces*, New York.

Bottiglieri, A. 2016: 'Le leggi sul lusso tra Repubblica e Principato: mutamento di prospettive', *Mélanges de l'École française de Rome - Antiquité* 128.1, 1-26.

Boulvert, G., and Morabito, M. 1982: 'Le droit de l'esclavage sous le Haut-Empire', in H. Temporini and W. Haase (eds), *Aufstieg und Niedergang der römischen Welt* 2.14, Berlin, 98-182.

Bove, L. 1984: *Documenti di operazioni finanziarie dall'archivio dei Sulpici. Tabulae Pompeianae di Murécine*, Naples.

Braunert, H. 1966: "'Ius Latii' in den Stadtrechten von Salpensa und Malaca', in H. Böhlhaus Nachfolger, *Römische Forschungen in Niederösterreich, V. Corolla Swoboda dedicata*, Graz-Köln, 68-83.

Broadhead, W. 1991: 'Rome's migration policy and the so-called *ius migrandi*', *Cahiers du Centre Gustave Glotz* 12, 69-89.

Brunt, P. A. 1971: *Italian Manpower 225 B.C. - A.D. 14*, Oxford.

Brusin, J. B. 1991/3: *Inscriptiones Aquileiae*, Udine.

Bruun, C. 2010: 'Water, oxygen isotopes and immigration to Ostia-Portus', *Journal of Roman Archaeology* 23, 109-32.

Bruun, C. 2013: 'Greek or Latin? The owner's choice of names for *vernae* in Rome', in. George 2013, 19-42.

Bruun, C. 2015: 'Slaves and freed slaves', in Bruun and Edmonson 2015, 605-626.

Bruun, C., and Edmonson, J. (eds) 2015: *The Oxford Handbook of Roman Epigraphy*, Oxford and New York.

Bruun, C., and Edmonson, J. 2015: 'The epigrapher at work', in Bruun and Edmonson 2015, 3-20.

Buckland, W. W. 1908: *The Roman Law of Slavery*, Cambridge.

Buckland, W. W. 1923: 'Libertus (G. 3.56)', *Revue Historique du Droit Français* 2, 293-96.

Buckland, W. W. 1931: *The Main Institutions of Roman Private Law*, Cambridge.

Buckland, W. W. 1953: *A Manual of Roman Private Law*, Cambridge.

Buonocore, M., and Diliberto, O. 2002/3: 'L'album e la lex della familia Silvani di Trebula Mutuesca. Nuove considerazioni', *Rivista della Pontificia Accademia di Archeologia* 75, 327-93.

Buonopane, A. 2009: *Manuale di epigrafia latina*, Rome.

Cagnat, R., and Merlin, A. 1923: *Inscriptions latines d'Afrique (Tripolitaine, Tunisie, Maroc)*, Paris.

Calabi Limentani, I. 1968: *Epigrafia latina*, Milan.

Caldelli, M. L. (ed) 2018: *Epigrafia ostiense dopo il CIL. 2000 iscrizioni funerarie*, Venezia.

Calderini, A. 1930: *Aquileia romana: ricerche di storia e di epigrafia*, Milano.

Calza, G. 1928: 'Rinvenimenti nell'Isola Sacra', *Notizie degli Scavi di Antichità* 6.4, 133-175.

Calza, G. 1940: *La necropoli del porto di Roma nell'Isola Sacra*, Roma.

Camodeca, G. 1992: *L'archivio puteolano dei Sulpici, Vol. I*, Naples.

Camodeca, G. 1999: *Tabulae Pompeianae Sulpiciorum. Edizione critica dell'archivio puteolano dei Sulpicii*, Rome.

Camodeca, G. 2006a: 'Cittadinanza romana, Latini Iuniani e lex Aelia Sentia: alcuni nuovi dati dalla riedizione delle Tabulae Herculenses', *Labruna* 2006, 887-904.

Camodeca, G. 2006b: 'La società ercolanese alla luce della riedizione delle Tabulae Herculenses. L'élite municipale fra Claudio e Vespasiano. I: un'oligarchia ritrovata', *Ostraka* 15, 9-29.

Camodeca, G. 2006c: 'Per una riedizione dell'archivio ercolanese di L. Venidius Ennychus II', *Cronache Ercolanesi* 36, 189-211.

- Camodeca, G. 2008: 'La popolazione degli ultimi decenni di Ercolano', in E. Borriello, M. P. Guidobaldi and P. G. Guzzo (eds), *Ercolano. Tre secoli di scoperte*, Naples, 86-103.
- Camodeca, G. 2009: 'Gli archivi privati di tabulae ceratae e di papiri documentari a Pompei ed Ercolano: case, ambienti, e modalità di conservazione', *Vesuviana* 1, 17-42.
- Camodeca, C. 2016: *Tabulae Herculanaenses. Edizione e commento. Vol. I*, Rome.
- Campbell, V. L. 2015: *The Tombs of Pompeii: Organization, Space and Society*, New York and London.
- Capdeville G., 2002: 'Social mobility in Etruria', *Etruscan Studies* 9, 177-90.
- Casavola F., 1966: 'Gaio nel suo tempo', in Guarino and Bove 1966, 1-14.
- Cébeillac-Gervasoni, M., and Zevi, F. 2010: 'Le tribù di Ostia', in Silvestrini 2010, 161-9.
- Cecconi, G. A. 2014, 'Privilegi reali o presunti per senatori tardoromani: le *tabellae immunitatis* e i *tituli in laminis securitatis vel in discis inscripti varii argumenti*', in M. L. Caldelli and G. L. Gregori (eds), *Epigrafia e Ordine senatorio, 30 anni dopo*, Rome, 183-93.
- Cenerini, F. 2013: 'Il doppio nel doppio: il caso dell'iscrizione dedicatoria del teatro di Leptis Magna', in A. Donati (ed), *L'iscrizione e il suo doppio. Atti del Convegno Borghese 2013*, Faenza, 79-89.
- Chantraine, H. 1967: *Freigelassene und Sklaven im Dienst der römischen Kaiser. Studien zu ihrer Nomenklatur*, Wiesbaden.
- Chastagnol, A. 1995: *La Gaule Romaine et le Droit Latin*, Lyon.
- Clackson, J. (ed) 2011: *The Blackwell Companion to the Latin Language*, Oxford.
- Connolly, J. 2009: 'Fear and freedom: a new interpretation of Pliny's Panegyricus', in G. Urso (ed), *Ordine e sovversione nel mondo greco e romano: Atti del Convegno Internazionale, Cividale del Friuli, 25-27 Settembre 2008*, Pisa, 247-66.
- Conway, R. S., Whatmough, J., and Johnson, S.E. 1933: *The Prae-Italic Dialects of Italy*, Oxford.

- Cooley, A. 1998: 'The moralizing message of the *Senatus Consultum de Cn. Pisone Patre*', *Greece and Rome* 45.2, 199-212.
- Corbier, M. 1974: *L'aerarium Saturni et l'aerarium militare. Administration et prosopographie sénatoriale*, Rome.
- Corcoran, S. 2011: "'Softly and suddenly vanished away": the Junian Latins from Caracalla to the Carolingians', in K. Muschler (ed), *Römische Jurisprudenz – Dogmatik, Überlieferung, Rezeption. Festschrift für Detlef Liebs zum 75. Geburtstag*, Berlin, 129-155.
- Crawford, M. (ed) 1996: *Roman Statutes*, London.
- Crawford, M. H. (ed) 2011: *Imagines Italicae: A Corpus of Italic Inscriptions*, London.
- Criniti, N. 2013: *Mantissa Veleiate*, Faenza.
- Crook, J. A. 1967: *Law and Life of Rome*, Ithaca.
- Curchin, L. 1990: *The Local Magistrates of Roman Spain*, Toronto.
- Curchin, L. 2004: *The Romanization of Central Spain: Complexity, Diversity and Change in a Provincial Hinterland*, New York.
- Curchin, L. 2015: *A Supplement to 'The Local Magistrates of Roman Spain'*, Waterloo.
- Czajkowski, K., and Eckhardt, B. 2018: 'Law, status and agency in the Roman provinces', *Past and Present* 241.1, 3-31.
- D'Arms, J. H. 1974: 'Puteoli in the second century of the Roman Empire: A social and economic study', *The Journal of Roman Studies* 64, 104-24.
- D'Arms, J. H. 1976: 'Notes on municipal notables of imperial Ostia', *The American Journal of Philology* 97, 387-411.
- D'Arms, J. H. 1981: *Commerce and Social Standing in Ancient Rome*, Cambridge.
- Daugherty, G. N. 1992: 'The *cohortes vigilum* and the Great Fire of 64 AD', *The Classical Journal* 87.3, 229-40.
- David, M., and Van Oven, C. (eds) 1948: *Gaii Institutiones secundum Codicis Veronensis Apographum Studemundianum et Reliquias in Aegypto Reperta*, Leiden.
- De Filippi, M. 1998: *Fragmenta Vaticana: Storia di un Testo Normativo*, Bari.



De Ligt, L., and Garnsey, P. 2012: 'The Album of Herculaneum and a model of the town's demography', *Journal of Roman Archaeology* 25, 69-94.

De Ligt, L., and Tacoma, L. E. (eds) 2016: *Migration and Mobility in the Early Roman Empire*, Leiden and Boston.

De Ricci, S. 1994: 'A Latin deed of manumission of a slave (A.D. 221)', *Proceedings of the Society of Biblical Archaeology* 31, 3-21.

De Spagnolis Conticello, M. 1994: 'Sul rinvenimento della villa e del monumento funerario dei *Lucretii Valentes*', *Rivista di Studi Pompeiani* 6, 147-66.

Dessau, H. (ed) 1882/1916: *Inscriptiones Latinae Selectae*, Berlin.

De Visscher, F. 1963: *Le droit des tombeaux romains*, Milan.

De Zulueta, F. 1946: *The Institutes of Gaius, Part I, Text with Critical Notes and Translation*, Oxford.

De Zulueta, F. 1952: *The Institutes of Gaius, Part II, Commentary*, Oxford.

Dittenberger, W. 1915: *Sylloge Inscriptionum Graecarum* (3<sup>rd</sup> edition), Leipzig.

Dmitriev, S. 2004: "'Good emperors" and emperors of the Third Century', *Hermes* 132, 211-24.

d'Ors, A. 1953: *Epigrafía jurídica de la España romana*, Madrid.

d'Ors, A. 1986: *La ley Flavia municipal*, Rome.

Duff, A. M. 1958: *Freedmen in the Early Roman Empire* (2<sup>nd</sup> edition), Oxford.

Durry, M., and Guillemin A.-M. (eds) 1927/47: *Pline le Jeune, Lettres*, Paris.

Duthoy, R. 1989: 'Cognomen est omen?', *Collection de l'Institut des Sciences et Techniques de l'Antiquité* 377, 183-205.

Duval, N. (ed) 1977: *L'Onomastique latine*, Paris.

Eck, W., Caballos, A., Fernández, F. (eds) 1996: *Das senatus consultum de Cn. Pisone patre*, Munich.

Eck, W. 1999: 'Ordo equitum Romanorum, ordo libertinorum. Freigelassene und ihre Nachkommen im römischen Ritterstand', in S. Demougin, H. Devijver, and M.-T.

- Raepsaet-Charlier (eds). *L'ordre équestre: histoire d'une aristocratie (Ile siècle av. J.-C. — IIIe siècle ap. J.-C.)*, Rome, 5-29.
- Eck, W. 2007: 'Befund und Realität. Zur Repräsentativität unserer epigraphischen Quellen in der römischen Kaiserzeit', *Chiron* 37, 49–64.
- Eck, W., and Wolff, H. (eds) 1986, *Heer und Integrationspolitik: Die Römischen Militär-Diplome als Historische Quelle*, Cologne and Vienna.
- Emmerson, A. 2011: 'Evidence for Junian Latins in the tombs of Pompeii?', *Journal of Roman Archaeology* 24, 161-90.
- Evans, E. C. 1939: *The Cults of the Sabine Territories*, New York.
- Fear, A. T. 1996: *Rome and Baetica. Urbanization in Southern Spain C. 50 BC–AD 150*, Oxford.
- Ferraro, A., and Gorla. V. 2010: 'Le tribù urbane. Verifica della loro composizione sociale sulla base della documentazione epigrafica', in Silvestrini 2010. 341-7.
- Floriani Squarciapino, M. 1962: *I culti orientali ad Ostia*, Leiden.
- Formisano, M. 2008: "'Speculum principis, speculum oratoris.'" Alcune considerazioni sui *panegyrici* latini come genere letterario', in L. Castagna and C. Riboldi (eds) 200, *Amicitiae templa serena. Studi in onore di Giuseppe Aricò*, Milan, 581-99.
- Forni, G. 1985: *Le tribù romane III, 1: Le pseudo-tribù*, Rome.
- Frank, T. 1916: 'Race mixture in the Roman Empire', *The American Historical Review* 21.4, 689-708.
- Frank, T. 1934, 'The people of Ostia', *The Classical Journal* 29.7, 481-493.
- Franklin, J. L. 1997: 'Cn. Alleius Nigidius Maius and the amphitheatre: "*munera*" and a distinguished career at Ancient Pompeii', *Historia: Zeitschrift für Alte Geschichte* 46.4, 347-47.
- Freis, H. 1967: *Die cohortes urbanae*, Köln.
- Gallia, A. 2015: 'Vestal Virgins and their families', *Classical Antiquity* 34.1, 74-120.
- Galsterer, H. 1971: *Untersuchungen Zum Römischen Städtewesen Auf der Iberischen Halbinsel*, Berlin.

Galsterer, H. 1986: 'Roman law in the provinces: some problems in transmission', in M. Crawford (ed), *L'Impero romano e le strutture economiche e sociali delle province*, Como, 13-27.

Galsterer, H. 1988: 'Municipium Flavium Irnitana: a Latin town in Spain', *The Journal of Roman Studies* 78, 78-90.

Gardner, J. F. 1993: *Being a Roman Citizen*, London.

Gardner, J. F. 2001: 'Making citizens: the operation of the Lex Irnitana', in L. De Blois (ed), *Administration, Prosopography and Appointment Policies in the Roman Empire*, Amsterdam, 215-29.

Garnsey, P. 1975: 'Descendants of freedman in local politics: some criteria', in B. Levick (ed), *The Ancient Historian and his Materials. Essays in Honour of C.E. Stevens on his 70th Birthday*, Farnborough, 167-80.

Garnsey, P. 1998: 'Aspects of the decline of the urban aristocracy in the empire', in P. Garnsey and W. Scheidel (eds), *Cities, Peasants and Food in Classical Antiquity Essays in Social and Economic History*, Cambridge, 3-27.

Garnsey, P. 2004: 'Roman citizenship and Roman law', in S. Swain and M. Edwards (eds) *Approaching Late Antiquity*, Oxford, 133-155.

Garnsey, P., and De Ligt, L. 2016: 'Migration in early-imperial Italy: Herculaneum and Rome compared', in De Ligt and Tacoma 2016, 72-94.

George, M. (ed) 2013: *Roman Slavery and Roman Material Culture*, Toronto.

Germoni, P. 2009: 'Fiumicino Isola Sacra: vecchi e nuovi rinvenimenti', *Bullettino della Commissione Archeologica Comunale* 150, 398-404.

Germoni, P. 2011: 'Isola Sacra: reconstructing the Roman landscape', in S. Keay and L. Paroli (eds), *Portus and its Hinterland: Recent Archaeological Research*, London, 231-60.

Girard, P.F. 1906: *A Short History of Roman Law*, Toronto.

Gonzalès, A. 2003: *Plin le Jeune. Esclaves et affranchis à Rome*, Paris.

González, J. 1984: 'Tabula Siarensis, Fortunales Siarenses et municipia civium Romanorum', in *Zeitschrift für Papyrologie und Epigraphik* 55, 55-100.

- González, J. 1986: 'The Lex Irnitana: a new copy of the Flavian Municipal Law', *The Journal of Roman Studies* 76, 147-243.
- González, J. 1999: 'Tacitus, Germanicus, Piso, and the Tabula Siarensis', *The American Journal of Philology* 120.1, 123-142.
- Gordon, A. E. 1983: *Illustrated Introduction to Latin Epigraphy*, Berkeley.
- Gordon, A. E., and Gordon, J. S. 1958/65, *Album of dated Latin inscriptions*, Berkeley.
- Gordon, M. L. 1924: 'The nationality of slaves under the early Roman Empire', *The Journal of Roman Studies* 14, 93-111.
- Gordon, M. L. 1931: 'The freedman's son in municipal life', *The Journal of Roman Studies* 21, 65-77.
- Guarducci, M. 1987: *L'epigrafia greca dalle origini al tardo impero*, Rome.
- Guarino, A., and Bove, L. (eds) 1966: *Gaio nel suo tempo. Atti del simposio romanistico*, Naples.
- Hackworth Petersen, L. 2006, *The Freedman in Roman Art and Art History*, Cambridge.
- Haeussler, R. 2013: *Becoming Roman? Diverging Identities and Experiences in Ancient Northwest Italy*, London and New York.
- Haley, E. W. 1986: 'Suetonius, Claudius 24.1 and the sons of freedmen', *Historia* 35, 115-21.
- Harries, J. 2012: *Imperial Rome AD 284 to 363: The New Empire*, Edinburgh.
- Harrill, J. A. 1995: *The Manumission of Slaves in Early Christianity*, Tübingen.
- Hatzfeld, J. 1919: *Les trafiquants italiens dans l'Orient hellénique*, Paris.
- Hekster, O. 2015: *Emperors and Ancestors*, Oxford.
- Helttula, A. 2007: *Le iscrizioni sepolcrali latine dell'Isola Sacra*, Rome.
- Hermansen, G 1981: *Ostia: Aspects of Roman City Life*, Edmonton.
- Holder, P. A. 1980: *Studies in the Auxilia of the Roman Army from August to Trajan*, Oxford.
- Honoré, A. M. 1962: *Gaius. A Biography*, Oxford.

- Hopkins, K. 1983: *Death and Renewal*, Cambridge.
- Hornblower, S., Spawforth, A., and Eidinow, E. (eds) 2012: *The Oxford Classical Dictionary* (4<sup>th</sup> edition), Oxford.
- Humbert, M. 1981: 'Le droit latin impérial: cités latines ou citoyenneté latine?', *Ktèma* 6, 207-26.
- Jacobelli, L. 2003, *Gladiators at Pompeii*, Los Angeles.
- Jacques, F. 1984: *Le privilege de liberte: politique imperiale et autonomie municipale dans les cites de l'Occident romain (161-244)*, Rome.
- Jaques, F., and. Scheid, J. 1990: *Rome et l'intégration de l'Empire (44 av. J.-C.-260 ap. J.-C.)*. Vol I: *Les structures de l'Empire romain*, Paris.
- Johnston, D. 1989: 'Justinian's Digest: The interpretation of interpolation', *Oxford Journal of Legal Studies*, 9.2, 149-66.
- Jolowicz, H. F. 1932: *Historical introduction to the study of Roman law*, Cambridge.
- Jongman, W. M. 1988: *The economy and society of Pompeii*. Amsterdam.
- Jongman, W. M. 2003: 'Slavery and the growth of Rome', in C. Edwards and G. Woolf (eds), *Rome the Cosmopolis*, Cambridge, 100-22.
- Joshel, S. R., and Hackworth Petersen, L. 2014: *The Material Life of Roman Slaves*, Cambridge.
- Kajanto, I. 1965: *The Latin Cognomina*, Helsinki.
- Kajava, M. 1989: 'Cornelia and Taurus at Thespieae', *Zeitschrift für Papyrologie und Epigraphik* 79, 139-49.
- Kajava, M. 1994: *Roman Female Praenomina. Studies in the Nomenclature of Roman Women*, Rome.
- Kaser M., 1966: 'La classicità di Gaio', in Guarino and Bove 1966, 42-55.
- Koops, E. 2014: 'Masters and freedmen: Junian Latins and the struggle for citizenship', in G. de Kleijn and S. Benoist (eds), *Integration in Rome and the Roman World*, Leiden and Boston, 105-26.

- Krüger, P., and Mommsen, T. (eds) 1872: *Institutiones, Digesta = Corpus Iuris Civilis*, Berlin.
- Kruschwitz, P. 2015: 'Linguistic variation, language change, and Latin inscriptions', in Bruun and Edmonson 2015, 721-43.
- Kubitschek, J. W. 1989: *Imperium Romanum tributim discriptum*, Prague.
- Kunkel, W. 1952: *Die römischen Juristen. Herkunft und soziale Stellung*, Weimar.
- Labruna, L. (ed) 2006: *Tradizione romanistica e costituzione*, Naples.
- Langslow, D. 2012: 'Integration, identity, and language-shift: strengths and weaknesses of the 'linguistic' evidence', in S. T. Roselaar (ed), *Processes of Integration and identity formation in the Roman Republic*, Leiden, 289-309.
- Lavan, M. 2016: 'The spread of Roman citizenship, 14–212 CE: quantification in the face of high uncertainty', *Past & Present* 230.1, 3-46.
- Lavan, M. 2018: 'Pliny Epistles 10 and imperial correspondence: The Empire of letters', in A. König, C. Whitton (eds), *Literary Interactions under Nerva, Trajan and Hadrian*, Cambridge, 280-301.
- Le Bohec, Y. 1989: *L'armée romaine sous le Haut-Empire*, Paris.
- Le Roux, P. 1998: 'Rome et le droit latin', *Revue historique de droit français et étranger* 76, 315-41.
- Levick, B. 2015: *Claudius* (2<sup>nd</sup> edition), New York.
- Levy, E. 1945: *Pauli Sententiae. A Palingenesia of the opening Titles as a Specimen of Research in West Roman Vulgar Law*, New York.
- Licordari, A. 1977: 'Considerazioni sull'onomastica ostiense', in Duval 1977, 239-44.
- Lindner, M. M. 2015, *Portraits of the Vestal Virgins, Priestess of Ancient Rome*, Ann Arbor.
- Lindsay, H. 2009: *Adoption in the Roman World*, Cambridge.
- López Barja de Quiroga, P. 1991, 'Latini y Latini Iuniani: De nuevo sobre IRN. 72', *Studia Historica. Historia antigua* 9, 51-60.

- López Barja de Quiroga, P. 1995: 'Freedmen social mobility in Roman Italy', *Zeitschrift für Alte Geschichte* 44.3, 326-46.
- López Barja de Quiroga, P. 1998: 'Junian Latins: status and number', *Athenaeum* 86, 133-63.
- Loriot, X., and Tran, N. 2009: 'C. Vettius Anicetus, quinquennal des charpentiers de marine d'Ostie', *Mélanges de l'École Française de Rome - Antiquité* 121.1, 235-47.
- MacMullen, R. 1982: 'The epigraphic habit in the Roman Empire', *The American Journal of Philology* 103, 233-46.
- Mann, J. C. 1972: 'The development of auxiliary and fleet diplomas', *Epigraphische Studien* 9, 233-43.
- Marchand, F. 2013: 'The Statilii Tauri and the cult of the Theos Tauros at Thespiæ', in N. Papazarkadas (ed), *Epigraphy and History of Boeotia: New Finds, New Developments*, Leiden, 145-69.
- Martha, J. 1913: *La langue étrusque*, Paris.
- Mathisen, R. W. 2006: 'Peregrini, Barbari, and cives Romani: concepts of citizenship and the legal identity of barbarians in the later Roman Empire', *The American Historical Review* 111.4, 1011-40.
- Mattioli, F. 2012a: 'Un tentativo di messa a punto riguardo alla più recente dottrina sui Tituli ex corpore Ulpiani. Ipotesi e prospettive di ricerca', in Purpura 2012b, 85-118.
- Mattioli, F. 2012b: 'Confronti testuali: i *Tituli ex corpore Ulpiani* e i *libri pandectarum* di Erennio Modestino', in Purpura 2012b, 119-130.
- McDonald, K. 2015: *Oscan in Southern Italy and Sicily. Evaluating language Contact in a Fragmentary Corpus*, Cambridge.
- McLean 2002: *An Introduction to Greek Epigraphy of the Hellenistic and Roman Periods from Alexander the Great down to the Reign of Constantine (323 B.C. - A.D. 337)*, Ann Arbor.
- Meiggs, R. 1973: *Roman Ostia* (2<sup>nd</sup> edition), Oxford.
- Mench, F. C. 1968, *The Cohortes urbanae of Imperial Rome: an Epigraphic Study*, PhD dissertation, Yale University.

- Mennen, I. 2011: *Power and Status in the Roman Empire, AD 193-284*, Leiden.
- Mercogliano, F. 1997: *Tituli ex corpore Ulpiani: Storia di un testo*, Naples.
- Meyer, E. A. 1990: 'Explaining the epigraphic habit in the Roman Empire', *The Journal of Roman Studies* 80, 74-96.
- Millar, F. 1977: *The Emperor in the Roman World (31 B.C.-A.D. 337)*, London.
- Mitteis, L., and Wilcken, U. 1912: *Grundzüge und Chrestomathie der Papyruskunde. II Bd. Juristischer Teil, II Hälfte Chrestomathie*, Leipzig and Berlin.
- Mommsen, T. 1860: *Codicis Vaticani N. 5766 in quo insunt iuris anteiustiniani fragmenta quae dicuntur Vaticana*, Berlin.
- Mommsen, T. 1887/8: *Römisches Staatsrecht*, Berlin.
- Mommsen, T. 1890: 'Iuris Anteiustiniani fragmenta quae dicuntur Vaticana.', in P. Krüger (ed), *Collectio librorum iuris Anteiustiniani III*, Berlin, 1-106.
- Mommsen, T. 1905/13: *Gesammelte Schriften*, Berlin.
- Montevecchi, O. 1990: *La papirologia*, Milan.
- Morbidoni, P. 2017: 'Il commercio e l'artigianato nelle raffigurazioni e nelle testimonianze epigrafiche ostiensi', in S. Santoro (ed), *Emptor et Mercator. Spazi e rappresentazioni del commercio romano*, Rome and Bari, 255-270.
- Morton, P. 2013: 'Eunus: the cowardly king', *The Classical Quarterly* 63.1, 237-52.
- Mouritsen, H. 1997: 'Mobility and social change in Italian towns during the principate', in H. M. Parkins (ed), *Roman Urbanism. Beyond the Consumer City*, London. 59-82.
- Mouritsen, H. 2004: 'Freedmen and freeborn in the necropolis of imperial Ostia', *Zeitschrift für Papyrologie und Epigraphik* 150, 281-304.
- Mouritsen, H. 2005: 'Freedmen and decurions. Epitaphs and social history in imperial Italy', *The Journal of Roman Studies* 95, 38-63.
- Mouritsen, H. 2007: 'CIL X 1403: the Album from Herculaneum and the nomenclature of the *Latini Inuniani*', *Zeitschrift für Papyrologie und Epigraphik* 161, 288-90.
- Mouritsen, H. 2011: *The Freedman in the Roman World*, Cambridge.



- Mouritsen, H. 2013: 'Slavery and manumission in the Roman elite: A study of the columbaria of the Volusii and the Statilii', in George 2013, 43-68.
- Nelson, H. L. W., and Manthe, U. 1992: *Gai Institutiones III 1-87, Intestaterbfolge und sonstige Arten von Gesamtnachfolge*. Text und Kommentar, Berlin.
- Nissen, H. 1902: *Italische Landeskunde*, Berlin.
- Noy, D. 2000: *Foreigners at Rome: Citizens and Strangers*, London.
- Peachin, M. 1990: *Roman Imperial Titulature and Chronology, A.D. 235-284*, Amsterdam.
- Perry, M.J. 2014: *Gender, Manumission, and the Roman Freedwoman*, Cambridge.
- Phang, S. E. 2001: *The Marriage of Roman Soldiers (13 B.C. – A.D. 235): Law and Family in the Imperial Army*, Leiden.
- Purpura, G. 2012a: 'Tabula Banasitana de viritana civitate', in G. Purpura (ed), *Revisione ed integrazione dei Fontes Iuris Romani Anteiusiniani (FIRA). Studi preparatori I. Leges*, Torino, 297-382.
- Purpura, G. (ed) 2012b: *Revisione ed integrazione dei Fontes Iuris Romani Anteiusiniani (FIRA). Studi preparatori II. Auctores – Negotia*, Torino.
- Rawson, B. 1989: "'Spuri' and the Roman view of illegitimacy', *Antichthon* 23, 10-41.
- Rawson, B. 2010: 'Degrees of freedom', in V. Dasen and T. Späth, (eds), *Children, Memory, and Family Identity in Roman Culture*, Oxford, 195-222.
- Rea, J. 1972: *The Oxyrhynchus Papyri. Vol. XL*, London.
- Richardson, J. 2015: 'Roman law in the provinces', in D. Johnston (ed), *The Cambridge Companion to Roman Law*, Cambridge, 45-58.
- Ricci, C. 2011: 'In custodiam Urbis: notes on the *cohortes urbanae* (1968-2010)', *Historia* 60, 484-508.
- Rix, H. 1994: *Die Termini der Unfreiheit in den Sprachen Alt-Italiens*, Stuttgart.
- Robinson, O. F. 1997: *The Sources of Roman Law: Problems and Methods for Ancient Historians*, London.
- Roesch, P. 1982: *Thespies et la confédération béotienne*, Paris.

- Roth, U. 2007: *Thinking Tools. Agricultural Slavery between Evidence and Models*, London.
- Roth, U. 2010: 'Peculium, freedom, citizenship: golden triangle or vicious circle? An act in two parts', in U. Roth (ed), *By the Sweat of Your Brow: Roman Slavery in its Socio-Economic Setting*, London, 91-120.
- Roth, U. 2011: 'Men without hope', *Papers of the British School at Rome* 79, 71-94.
- Roth, U. 2016a: 'Review of: Perry, M.J. 2014, *Gender, Manumission, and the Roman Freedwoman*, Cambridge', *AHB Online Reviews* 6, 104-7.
- Roth, U. 2016b: 'Liberating the Cena', *The Classical Quarterly* 66.2, 614-34.
- Roxan, M. 1993: *Roman Military Diplomas 1985 to 1993*, London.
- Royden, H. L. 1988: *The Magistrates of the Roman Professional Collegia in Italy from the First to the Third Century A.D.*, Pisa.
- Ruggieri, P. 2015: 'La Vestale Massima Flavia Publicia: una protagonista della millenaria *Secularis Aetas*', in J. Cabrero Piquero and L. Montecchio (eds), *Sacrum Nexum. Alianzas entre el poder político y la religión en el mundo romano*, Salamanca and Madrid, 165-189.
- Ruggiero, I. 2012: 'Il maestro delle *Pauli Sententiae*: storiografia romanistica e nuovi spunti ricostruttivi', in C. Baldus, M. Miglietta, G. Santucci, G. and E. Stolfi (eds), *Dogmengeschichte und historische Individualität der römischen Juristen. Storia dei dogmi e individualità storica dei giuristi romani. Atti del Seminario internazionale (Montepulciano 14-17 giugno 2011)*, Trento, 485-532.
- Sablayrolles, R. 1996: *Libertinus Miles: les cohortes de vigiles*, Rome.
- Saddington, D. B. 2004: 'C. L. in the Titulature of Coh. II Tungrorum', *Britannia* 35, 244-8.
- Saller, R. P. 1997: *Patriarchy, Property and Death in the Roman Family*, Chicago.
- Salomies, O. 1987: *Die römischen Vornamen. Studien zu römischen Namengebung*, Helsinki.
- Salomies, O. 1992: *Adoptive and Polyonymous Nomenclature in the Roman Empire*, Helsinki.

Salway, B. 1994: 'What's in a name? A survey of Roman onomastic practice from c. 700 B.C. to A.D. 700, *The Journal of Roman Studies* 84, 124-45.

Salway, B. 2000: 'Prefects, *patroni* and decurions: a new perspective on the album of Canusium', in A. Cooley, (ed), *The Epigraphic Landscape of Roman Italy*, London, 115-71.

Sandy, J. E. 1927: *Latin Epigraphy. An Introduction to the Study of Latin Inscriptions* (2<sup>nd</sup> edition), Cambridge.

Scagliarini Corlaita, D. 1995: 'Le grandi insulae di Ostia come integrazione tra edilizia residenziale e infrastrutture urbane', in G. Cavalieri Manasse and E. Roffia (eds), *Splendida civitas nostra. Miscellanea di studi archeologici in onore di A. Frova*, Rome, 171-181.

Schiller, A. A. 1978: *Roman Law: Mechanisms of Development*, The Hague.

Schlegel, C. 2000: 'Horace and his fathers: Satires 1.4 and 1.6', *The American Journal of Philology* 121.1., 93-119.

Scholl, R. 2001: "Freilassung unter Freunden" im Römischen Ägypten', in Bellen and Heinen 2001, 159-69.

Scott, M. 2013: *Space and Society in the Greek and Roman Worlds*, Cambridge.

Seckel, E., and Kübler, B. (eds) 1903: *Gai Institutionum commentarii quattuor*, Leipzig.

Shelton, J.-A. 2013: *The Women of Pliny's Letters*, London and New York.

Sherwin-White, A. N. 1966: *The Letters of Pliny: a Historical and Social Commentary*, Oxford

Sherwin-White, A. N. 1973: *The Roman Citizenship* (2<sup>nd</sup> edition), Oxford.

Shpuza, S. 2014: 'Colonia Iulia Augusta Dyrrachinorum', *Mélanges de l'École française de Rome - Antiquité* 126.2, 495-509.

Sinclair, R. K. 1988. *Democracy and Participation in Athens*. Cambridge.

Silvestrini, M. (ed) 2010: *Le tribù romane. Atti della XVI Rencontre sur l'épigraphie*, Rome and Bari.

- Sirks, A. J. B. 1981: 'Informal manumission and the Lex Iunia', *Revue Internationale des Droit de l'Antiquité* 28, 247-76
- Sirks, A. J. B. 1983: 'The Lex Iunia and the effects of informal manumission and iteration', *Revue Internationale Des Droits de l'Antiquité* 30, 211-92.
- Solazzi S., 1972: *Scritti di diritto romano. Vol. 6: Ultimi scritti. Glosse a Gaio "Notae"*, Naples.
- Solin, H. 1971: *Beiträge zur Kenntnis der griechischen Personennamen in Rom*, Helsinki.
- Solin, H. 1977a: 'Zu den griechischen Namen in Rom', in Duval 1977, 161-75.
- Solin, H. 1977b: 'Die Namen der orientalischen Sklaven in Rom', in Duval 1977, 205-20.
- Solin, H. 1996: *Die stadtrömischen Sklavennamen: ein Namenbuch*, Stuttgart.
- Solin, H. 2001: 'Griechische und römische Sklavennamen. Eine vergleichende Untersuchung', in Bellen and Heinen 2001, 307-30.
- Solin, H. 2003: *Die griechischen Personennamen in Rom. Ein Namenbuch*, Berlin and New York.
- Solin, H. 2009: 'Nomi greci nel mondo romano', in E. Caffarelli and P. Poccetti (eds), *L'onomastica di Roma. Ventotto secoli di nomi. Atti del Convegno - Roma, 19-21 aprile 2000*, Rome, 61-84.
- Spagnuolo Vigorita, T. 1993: 'Cittadini e sudditi tra II e III secolo', in A. Carandini, L. Cracco Ruggini and A. Giardina, *Storia di Roma, III: L'età tardoantica. Vol. I, Crisi e trasformazioni*, Torino, 5-50.
- Spaul, J. H. E. 1994: *Ala<sup>2</sup>*, Andover.
- Spaul, J. H. E. 2000: *Cohors<sup>2</sup>*, Oxford.
- Suerbaum, W. 1980: 'Merkwürdige Geburtstage. Der nichtexistierende Geburtstag des M. Antonius, der doppelte Geburtstag des Augustus, der neue Geburtstag der Livia und der vorzeitige Geburtstag des älteren Drusus', *Chiron* 10, 325-56.
- Susini, G. 1960: *Il lapidario greco-romano di Bologna e supplementum bononiense ad CIL XI*, Rome.

Swoboda, H., Keil, K., and Koll, F. (1935), *Denkmäler aus Lykaonien, Pamphylien und Isaurien*, Leipzig.

Syme, R. 1958: *Tacitus*, Oxford.

Tacoma, L. E. 2017: 'Bones, stones, and Monica. Isola Sacra revisited', in E. Lo Cascio and L. E. Tacoma (eds) *The impact of mobility and migration in the Roman Empire*, Leiden, 132-54.

Tantimonico, S. 2017: *Dis Manibus. Il culto degli Dei Mani attraverso la documentazione epigrafica. Il caso di studio della Regio X Venetia et Histria*, Madrid.

Taylor, L. R. 1961: 'Freedmen and freeborn in the epitaphs of imperial Rome', *The American Journal of Philology* 82.2, 113-32.

Taylor, L. R., and Linderski, J. 2013: *The Voting Districts of the Roman Republic. The Thirty-five Urban and Rural Tribes*, Ann Arbor.

Thylander, H. 1952: *Inscriptions du Port d'Ostie*, Lund.

Tisconi, G. G. 1965: 'Sul "consilium principis" in età traiana (gli "Amici Principis" e il "Consilium")', *Studia et documenta historiae et iuris* 31, 222-45.

Tomlin, R. S. O. (2018): *Britannia Romana: Roman Inscriptions and Roman Britain*, Oxford and Philadelphia.

Tran, N. 2007: *Les membres des associations romaines*, Rome.

Treggiari, S. 1969: *Roman Freedmen during the Late Republic*, Oxford.

Tuori, K. 2016: *The Emperor of Law. The Emergence of Roman Imperial Adjudication*, Oxford.

Turner, E. G. 1952: 'Oxyrhynchus and Its Papyri', *Greece & Rome* 21.63, 127-37.

Turfa, J. M. 2013: *The Etruscan World*, London and New York.

Varvaro, M. 2015: 'Per la datazione del palinsesto veronese delle *Institutiones* di Gaio', *Scriptorium* 69, 79-103.

Venturini, C. (1995): "'Latini facti', 'peregrini' e 'civitas': note sulla normativa adrianea", *Bullettino dell'Istituto di Diritto Romano* 98-99, 219-41.

- Verboven, K. 2011, 'The freedman economy of Roman Italy', in Bell and Ramsby 2011 88-109.
- Vermote, K. 2016 : 'The *macula servitutis* of Roman freedmen: '*neque enim aboletur turpitudine, quae postea intermissa est?*', *Revue Belge de Philologie et de Historie* 94.1, 131-64.
- Virilouvet, C. 1995: *Tessera frumentaria: Les procédés de distribution du blé public à Rome à la fin de la République et au début de l'Empire*, Rome.
- Vogt, J. 1957: *Struktur der antiken sklavenkriege*, Wiesbaden.
- Volterra, E. 1969: '*Senatus Consulta*', *Nuovissimo Digesto Italiano* 16, 1047-78.
- von Hesberg, H. 1992: *Römische Grabbauten*, Darmstadt.
- von Hesberg, H., and Zanker, P. 1997: *Architettura Romana. Le città in Italia*, Rome.
- Wallace-Hadrill, A. 2011: *Herculaneum Past and Future*, Cambridge.
- Walsh, P. G. 2006: *Pliny the Younger. Complete Letters*, Oxford.
- Waltzing, J. P. 1895/1900: *Étude historique sur les corporations professionnelles chez les Romains depuis les origines jusqu'à la chute de l'Empire d'Occident*, Bruxelles.
- Warmington, E. H. 1940: *Remains of Old Latin, Volume IV: Archaic Inscriptions*, Cambridge.
- Watson, A. 1999: *Aurelian and the Third Century*, London.
- Weaver, P. R. C. 1964: '*Cognomina ingenua: a note*', *The Classical Quarterly* 14.2, 311-5.
- Weaver, P. R. C. 1972: *Familia Caesaris. A Social Study of the Emperor's Freedmen and Slaves*, Cambridge.
- Weaver, P. R. C. 1986: 'The status of children in mixed marriages', in B. Rawson (ed): *The Family in Ancient Rome. New Perspectives*, London, 145-169.
- Weaver, P. R. C. 1990: 'Where have all the Junian Latins gone? Nomenclature and status', *Chiron* 20, 276-305.

Weaver, P. R. C. 1997: 'Children of Junian Latins', in B. Rawson and P. Weaver (eds), 1997, *The Roman Family in Italy*, Oxford, 55-72.

Westermann, W. L. 1955: *The Slave System of Greek and Roman Antiquity*, Philadelphia.

Wibier, M. 2014: *Interpretandi Scientia: an intellectual history of Roman jurisprudence in the early empire*, PhD dissertation, University of St. Andrews.

Zair, N. 2015: *Oscan in the Greek Alphabet*, Cambridge.

Zelnick-Abramovitz, R. 2009: 'Freed slaves, their status and state control in Ancient Greece', *European Review of History: Revue européenne d'histoire* 9, 303-